

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21453 of 2015 (F)

PETITIONER:

**THE SECRETARY,
TRIVANDRUM DISTRICT MOTOR TRANSPORT WORKERS CO-OPERATIVE
SOCIETY NO. 1763 (AMCOS), ALAMCODE P.O,
ATTINGAL, PIN-695 102.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL), ATTINGAL - 695 101.**

BY GOVERNMENT PLEADER SMT K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

P T O

WP(C).No. 21453 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE APPLICATION DATED 13.7.15 SUBMITTED BY THE
PETITIONER.**

**EXHIBIT P1. TRUE COPY OF THE JUDGMENT IN WPC 13005/15 PASSED BY THIS
HONOURABLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

//TRUE COPY//

P.A. TO JUDGE

NVB

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.21453 of 2015

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Dated this the 22nd day of July, 2015

JUDGMENT

The petitioner, who is the operator of a stage carriage operating on the route between Kadavu and Kollam, has come up before this Court seeking a direction to issue a clearance certificate by the respondent.

2. According to the petitioner, the permit granted to his vehicle is endorsed to the stage carriage bearing Reg. No.KL-16/G 1947 which is valid till 30.7.2017. He points out that the said vehicle is not roadworthy and therefore, he is intending to replace the vehicle by another vehicle. However, due to financial difficulties, the petitioner is not in a position to purchase a new vehicle by retaining the existing vehicle. According to him, only by utilising the sale proceeds of the present vehicle, he would be able to purchase another vehicle so as to replace the existing vehicle.

3. Therefore, the petitioner submitted an application to issue clearance certificate to sell the vehicle without insisting the surrendering of the existing permit, by retaining the permit under suspended animation. However, the respondent has not granted

clearance as sought for by the petitioner. It is with this background the petitioner has come up before this Court.

4. As the petitioner is intending to sell his present vehicle which is not working and to purchase another vehicle utilising the sale proceeds, this Court is of the view that the petitioner's request is genuine.

Therefore, this writ petition is disposed of directing the respondent to consider the petitioner's application and pass positive orders without insisting the surrendering of existing permit by retaining the permit under suspended animation, within two weeks from the date of receipt of a copy of this judgment. The petitioner shall produce the records of the suitable vehicle to be substituted within four months from the date of issuance of the clearance

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the respondent at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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