

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 21644 of 2015 (E)

PETITIONER(S):

**SADASIVAN. A, S/O.ARUMUGHA MUDALIYAR,
SANTHI NIVAS, SOUTH PAVADY, KOLLENGODE P.O.,
CHITTUR TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 21644 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE REGULAR PERMIT RELATING TO BUS NO.KL-07AE-5084**
- P2: COPY OF THE APPLICATION DATED 1/7/15 FILED BY THE PETITIONER
BEFORE THE RESPONDENT**
- P3: COPY OF THE JUDGMENT MADE WPC.16186/15 DATED 5/6/15.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.21644 of 2015

Dated this the 21st day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to consider the petitioner's application for clearance certificate without insisting for surrender of permit relating to Bus No.KL-07 AE-5084.

2. The petitioner is a stage carriage operator and is the registered owner of bus No.KL-07 AE-5084 which is covered by a regular stage carriage permit to operate on the route between Coyalmanam and Kozhinjampara via Koduvayur, Pudunagaram and Chittur, which is valid upto 1.6.2020. The petitioner alleges that the vehicle in question is a 2001 model vehicle and due to frequent mechanical defects, the vehicle is not suitable for regular operation on the route in question and hence the petitioner had decided to dispose of the vehicle and to procure a later model vehicle for the purpose of operation of service on the above route. Without

selling the vehicle, the petitioner would not be in a position to operate the service and hence the petitioner has made an application for the issuance of the clearance certificate in respect of the above mentioned vehicle without insisting for surrender of permit vide application dated 1.7.2015. The petitioner further alleges that in similar circumstances, similarly placed operators have approached this Court wherein directions have been made by this Court to consider the request made by the respective petitioners within one week from the date of production of a copy of the judgment provided all dues to the Government including check reports and also the dues of Kerala Motor Transport Welfare Fund is satisfied. However, the respondent is reluctant to take a decision on Ext.P2 application filed by the petitioner as a result of which the petitioner is unable to fulfill his contractual commitment. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner

and the learned Government Pleader in the matter.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider Ext.P2 application for clearance certificate without insisting for surrender of permit, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.