

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. 21695 of 2015 (J)

PETITIONER(S):

**MAYINKUTTY, AGED 49 YEARS,
S/O.AVARU, HOUSE NO.6/367, MANCHAKANDAN HOUSE,
OTHUKKUNGAL PO, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN 676505.**

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:**

PJ

WP(C).No. 21695 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: PHOTOCOPY OF THE REGULAR PERMIT VIDE NO.P.ST. 10/601/2003 ISSUED TO
THE PETITIONER BY THE RESPONDENT**

**P1: PHOTOCOPY OF THE REQUEST DATED 08.07.2015 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.21695 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 Pottikkallu-Kadampuzha touching Kuzhipuram, Parappanangadi and Malappuram, has come up before this Court seeking a direction to issue a clearance certificate by the respondent without insisting for surrender of existing regular permit.

2. According to the petitioner, the permit granted to him is endorsed to the stage carriage bearing Reg.No.KL-17/E 2622. The petitioner 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. Therefore, he submitted Ext.P2 request for releasing the vehicle from the permit and for clearance certificate so as to alienate the vehicle without insisting the surrendering of the existing permit. However, the respondent states that the permit could be given only after surrendering the existing regular permit. 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 Senior Government Pleader in the matter.

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 request of the petitioner is genuine.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P2 request for clearance certificate and pass positive orders granting clearance without insisting the surrendering of existing permit, if it is otherwise in order. This shall

be done within a period of 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 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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