

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22075 of 2015 (H)

PETITIONER(S):

**SADHIK.M,
S/O.MUHAMMED KUNJU, 19/124, MURIKKAVU,
WEST YAKKARA, PALAKKAD.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, PIN:678 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 22075 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE APPLICATION SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT DATED 14.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22075 of 2015

Dated this the 27th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent for issue of clearance certificate without insisting for surrender of permit.

2. The petitioner is the holder of a regular permit operating on the route between Ponnampkote and Cherplassery in respect of his stage carriage KL-09/V 2323. The regular permit issued to the petitioner is valid upto 25.11.2017. The vehicle covered by the permit is KL-09/V 2323. The petitioner alleges that he intends to replace the said vehicle with a later model or suitable vehicle. The petitioner do not have a ready vehicle now and it is his intention to first dispose of the existing vehicle and thereafter, purchase a new vehicle or a suitable vehicle. Under the above circumstances, the petitioner intends to obtain permitless certificate/clearance certificate so that he can dispose this vehicle and obtain a suitable vehicle

for the operation on the above said route and till such time, the regular permit be kept under suspended animation. Intimating the above aspects, the petitioner submitted an application for issue of clearance in respect of stage carriage KL-09/V 2323 as per Ext.P1. The respondent is the authority to issue the same by considering Ext.P1 application. The respondent has not issued the same so far. There is failure on the part of the respondent in performing his statutory duty. 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 and pass positive orders on clearance certificate without insisting for surrender of the vehicle within a period of two weeks from the date of receipt of a copy of this judgment. The petitioner shall produce the

current records of the incoming vehicle within a period of four months from the date of issue of clearance certificate.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.