

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 22137 of 2015 (N)

PETITIONER:

**SHAJAN CHERIAN, S/O. CHERIAN,
EZHACHERIL HOUSE, KALTHOTTY P.O.,
KANCHIYAR, IDUKKI DISTRICT.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI-685602.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 22137 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1- THE TRUE COPY OF THE PERMIT NO. P.ST.6/354/2015 7-5-2015.

EXHIBIT P1- TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 20-7-2015 VEHICLE NO. KL 44/5505 ON ROUTE
KATTAPAN-KUMILY TOUCHING NEDUMKANDAM.

EXHIBIT P3- TRUE COPY OF THE JUDGMENT DATED 19-6-2015 IN
WPC NO. 18071/2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22137 of 2015

Dated this the 30th day of July, 2015

J U D G M E N T

Seeking for a direction to the respondent to issue clearance certificate keeping the regular permit under suspended animation without insisting on surrender of existing regular permit, the petitioner has come up before this Court.

2. The petitioner is a regular stage carriage permit holder on the route between Kattappana and Kumily touching Nedumkandam in respect of stage carriage bearing Reg.No.KL 44/5505. The petitioner alleges that as the said route causes frequent troubles to the vehicle and it often goes off, he is intending to replace the above vehicle by a later model vehicle. He submitted Ext.P2 request before the respondent for replacement of the vehicle without insisting on surrender of the existing regular permit, keeping the same under suspended animation. Though the petitioner filed a replacement application earlier to replace with KL 44/5505, that vehicle also

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became old; and hence, that replacement application cannot be perused with; according to the petitioner. Accordingly, the petitioner filed Ext.P2 for selling the present vehicle by keeping the permit under suspended animation till replacement of the vehicle.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider and pass positive orders on Ext.P2 application without insisting on surrender of the existing permit within a period of two weeks from the date of receipt of a copy of this judgment on condition that the petitioner shall produce records of the new vehicle within a period of four months from the date of clearance.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-