

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. 22513 of 2015 (L)

PETITIONER(S) :

M.V.GIREESHAN,
S/O.KUNHAPPAN, M.V.HOUSE,
RAMANTHALI P.O.,
THALIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S) :

THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001.

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:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE REQUEST DATED 05.05.2015.

EXT. P2- TRUE COPY OF THE JUDGMENT DATED 22.6.2015 IN WPC NO.17994/2015.

EXT. P3- TRUE COPY OF THE PROCEEDINGS DATED 13.7.2015, 30.6.2015 SUBMITTED BY
THE PETITIONER.

EXT. P4- TRUE COPY OF THE JUDGMENT IN WP[C]NO.13005 OF 2015 PASSED BY THIS
HON'BLE COURT DTD. 28.4.15.

RESPONDENT(S) ' EXHIBITS:

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22513 of 2015

Dated this the 27th day of July, 2015

J U D G M E N T

Seeking for a direction to the respondent to issue clearance certificate by 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 Sn Temple and Mathamangalam in respect of stage carriage bearing Reg.No.KL 13 J/1939. The petitioner alleges that as the said vehicle is not fit to operate, he is intending to replace the above vehicle with a suitable later model vehicle. He submitted Ext.P1 request before the respondent to issue clearance certificate keeping the permit under suspended animation. As the respondent did not consider the application, he filed WP(C) No.17994/2015; and as per Ext.P2 judgment, the respondent was directed to consider the request. Pursuant to the above, Ext.P3 order was issued rejecting his request. According to the petitioner, the

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reason stated in Ext.P3 is untenable. He points out that there is no provision in the Act or Rules that for issue of clearance certificate, the permit need be surrendered. Therefore, according to him, Ext.P3 is illegal, arbitrary and is liable to be set aside. Hence, this writ petition.

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

Considering the circumstances of the case, the writ petition is disposed of directing the respondent to consider and pass positive orders on Ext.P1 application submitted by the petitioner de hors Ext.P3, without insisting on surrender of existing permit, within a period of two weeks from the date of receipt of a copy of this judgment. However, the petitioner shall produce records relating to the vehicle intended to be replaced within 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/-