

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22813 of 2015 (B)

PETITIONER:

**SHYAM MOHAN.C,
CHERIYAEDATHIL, VAZHAKKAL,
P.O.THILLANKERY,THALASSERY,
KANNUR.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICE,
KANNUR - 670 002.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 22813 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - THE TRUE COPY OF THE PERMIT NO. P.ST.13/2470/2013 15/5/2015.**
- P2- TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 16.7.2015 VEHICLE NO. KL 13/P 6116 ON THE ROUTE
KOTTIYOOR TEMPLE THALASSERY.**
- P3 - TRUE COPY OF THE JUDGMENT DATED 05.6.2015 IN WPC NO. 16199/2015.**

RESPONDENT(S)' EXHIBITS

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22813 of 2015

Dated this the 5th day of August, 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 operating on the route between Kottiyoor Temple and Thalassery in respect of stage carriage bearing Reg.No.KL 13/P 6116. The petitioner alleges that as the said vehicle, operating on this route, gives frequent troubles and that the service is unable to operate, without granting a variation, the vehicle is forced to be garaged. According to him, purchasing a later model vehicle is possible only by selling the present vehicle and after purchasing a later model vehicle, the application for replacement of vehicle has to be filed, and till that time,

..2..

the the permit has to be made alive by keeping it under suspended animation. Though the petitioner filed a replacement application earlier to replace with KL 13/P 6116, that vehicle also became old and hence, that replacement application cannot be perused with. Accordingly, the petitioner filed Ext.P2 request to issue clearance certificate to sell the present vehicle.

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

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application submitted by the petitioner 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.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-