

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23189 of 2015 (W)

PETITIONER(S):

**PRADEEPAN T.V, KAPPIL HOUSE,
NOOLPUZHA P.O., SULTHAN BATHERY.**

BY ADV. SRI.STALIN PETER DAVIS

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
WAYANAD - 673 592.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 23189 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: PHOTOCOPY OF THE REQUEST DATED 29/7/2015 SUBMITTED BY THE
 PETITIONER BEFORE THE RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23189 of 2015

Dated this the 7th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to issue clearance certificate in respect of his stage carriage bearing registration No.KL-10/W 5233 without insisting for surrender of permit and keeping the permit under suspended animation.

2. The petitioner is operating a stage carriage on the route between Muthanga and Sulthan Bathery - Thaloor-Thottamoola via Mathamangalam with the vehicle bearing registration No.KL-10/W 5233. The permit is valid upto 20.1.2020. The petitioner alleges that due to consecutive mechanical defect of this vehicle, it has become difficult to operate the vehicle regularly for the regular operation and therefore, petitioner intend to replace the existing vehicle with another vehicle. For the said purpose, the present vehicle has to be disposed of. Therefore, the petitioner applied for permit

less certificate retaining the existing vehicle without surrender enabling to sell the said vehicle. The petitioner submitted an application to issue clearance certificate. However, the respondent has not granted clearance certificate as sought by the petitioner; it is alleged. 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 prayer and the nature of the submissions, the writ petition is disposed of directing the respondent to issue clearance certificate to the petitioner's stage carriage No.KL-10/W 5233 without insisting for surrender of permit and keeping the permit under suspended animation 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 incoming vehicle within a period of four months from the date of issue of clearance certificate.

W.P.(C) No. 23189 of 2015

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A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.