

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 23462 of 2015 (G)

PETITIONER(S) :

**SAJEEB K.S,
KUTTIYENI HOUSE, RAYONPURAM P.O,
PERUMBAVOOR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA- 686 661.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 23462 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE REQUEST FOR CLEARANCE CERTIFICATE
FILED ON 31.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23462 of 2015

Dated this the 10th day of August, 2015.

JUDGMENT

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

2. The petitioner holds a regular permit to conduct service on the route Edavoor Temple-Aluva issued in respect of stage carriage bearing registration No.KL-04/K 3897. The regular permit is valid till 4.1.2020. The petitioner alleges that his intention is to replace the said vehicle (2001 model) with a suitable other vehicle, preferably, of a later model. However, circumstances are such that he can arrange for a suitable vehicle only after disposing of the existing vehicle. It was in the above circumstances that the petitioner filed an application before the respondent herein for the issue of a clearance certificate in respect of the above vehicle by keeping the permit in suspended animation. The petitioner further alleges that the intention is being to resume the service with a suitable other vehicle after the construction of the bridge is completed.

Whether the vehicle covered by a permit can be released from the permit keeping the permit in suspended animation till such time as another vehicle is offered for replacement during the currency of the permit is no longer *res integra* (Aysha v. RTA Kasaragod [2006 (3) KLT 1012]. 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-04/K 3897 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.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.