

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23536 of 2015 (N)

PETITIONER(S):

**KUNHIKANNAN A.K., AGED 64 YEARS,
S/O. KUNJIRAMAN, RESIDING AT DOOR NO. 5/189,
AKAKALLUMMAL KAYANNA P.O., PERAMBRA,
KOZHIKODE, REPRESENTED BY HIS POWR OF
ATTORNEY HOLDER SRI.SURESH U.M.,
S/O. MOHANAN, RESIDING AT 2/380, UNITHIRI HOUSE,
AKKODI LANE, MULAMKUNNATHKAVU P.O.,
THRISSUR DISTRICT - 680 581.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

**THE SECRETARY (RTO),
REGIONAL TRANSPORT AUTHORITY, VADAKARA - 673 101.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 23536 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE REGULAR PERMIT RELATING TO BUS NO. KL 36-2602.

**P2 - TRUE COPY OF THE APPLICATION DT. 29.7.2015 FILED BY THE PETITIONER
BEFORE THE RESPONDENT.**

P3 - TRUE COPY OF THE JUDGMENT MADE IN WPC NO. 16186/2015 DT. 05.6.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23536 of 2015

Dated this the 13th 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-36-2602.

2. The petitioner is a stage carriage operator and is the registered owner of bus bearing registration No.KL-36-2602 which is covered with a regular stage carriage permit to operate on the route between Narinada and Kozhikode via Kooranchundu - Balussery, which is valid upto 23.12.2019. The petitioner alleges that the vehicle in question is a 2006 model vehicle and due to frequent mechanical defects, the vehicle is not suitable for regular operation on the route in question and hence the petitioner had decided to dispose of the vehicle and to procure a later model vehicle for the purpose of operation of service on the above route. Without selling the vehicle, the petitioner would not be in a position to

operate the service and hence the petitioner has made an application for the issue of the clearance certificate in respect of the above mentioned vehicle without insisting for surrender of permit vide application dated 29.7.2015. The petitioner further alleges that in similar circumstances similarly placed operators have approached this Court wherein directions have been made by this Court to consider the request. However, the respondent is reluctant to take a decision on Ext.P2 application filed by the petitioner. 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-36-2602 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.