

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 23757 of 2015 (T)

PETITIONER :

**KUNHAHAMMEDKUTTY.M.,
S/O.ABOOBACKER, MOOTHEDATH HOUSE,
THONTITTAKARA,MAMPAD P.O, MALAPPURAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

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

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 23757 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.

EXHIBIT P2. COPY OF THE RC BOOK OF THE VEHICLE KL-10. AF. 2936.

EXHIBIT P3. COPY OF THE REQUEST DATED 1.8.15.

EXHIBIT P3. COPY OF THE JUDGMENT IN WPC.NO. 16186/2015 DATED 5.6.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23757 of 2015

Dated this the 11th 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 AF 2936.

2. The petitioner is the holder of regular permit on the route between Eranhimavu and Parassinikadavu valid till 24.1.2016. The permit covers stage carriage KL-10 AF 2936 which is a 2010 model vehicle. The petitioner alleges that he submitted Ext.P3 request before the respondent herein for appropriate orders releasing KL-10 AF 2936 from its permit so as to enable him to produce a suitable later model vehicle for replacement. As is evident from a reading of Ext.P3 representation that the petitioner's intention is to release the vehicle only and not the permit. Whether the vehicle is covered by a permit can be released keeping the permit in suspended animation till 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]. However, the respondent is not entertaining Ext.P3 request. The petitioner alleges that the permit does not cease to exist with the alienation or disposal of the vehicle covered by the permit, and therefore a vehicle covered by a permit can be released from the permit retaining the permit as such. This Court had occasion to admit similar writ petitions. 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 AF 2936 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.