

**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. 23759 of 2015 (T)**  
-----

**PETITIONER :**  
-----

**T.A.SATHEESH KUMAR, AGED 36 YEARS,  
S/O. AYYAPPAN, THAIKALAPARAMBIL HOUSE,  
KARAYAMUTTAM, VALAPPAD.**

**BY ADV. SRI.M.JITHESH MENON**

**RESPONDENT :**  
-----

**SECRETARY  
REGIONAL TRANSPORT AUTHORITY, THRISSUR-680 001.**

**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:**

**bp**

WP(C).No. 23759 of 2015 (T)  
-----

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
-----

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

P2 : COPY OF THE REQUEST SUBMITTED BY THE PETITIONER DTD.26.7.2015.

P3 : COPY OF THE JUDGMENT RENDERED BY THIS HON'BLE COURT IN WPC  
NO.34919/14 DTD.20.12.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

**A.V. RAMAKRISHNA PILLAI, J.**

-----  
W.P.(C) No. 23759 of 2015  
-----

Dated this the 11<sup>th</sup> 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-9/J 7692.

2. The petitioner is the holder of a regular permit which is valid till 2.5.2017. The petitioner alleges that the vehicle covered under the permit is stage carriage bearing registration No. KL-9/J 7692. As the said vehicle has to be garaged for repairs and it has become virtually impossible to operate with the said vehicle. The above vehicle needs to be replaced. The petitioner alleges that he submitted Ext.P2 request before the respondent herein for appropriate orders releasing KL-9/J 7692 from its permit so as to enable him to sell the vehicle in the course of time. The petitioner further alleges that as is evident from a reading of Ext.P2 representation, the petitioner's intention is to release the

vehicle only and not the permit. Whether the vehicle covered by a permit can be released from the permit, keeping the permit under suspended animation till another vehicle offered for replacement during the currency of the permit, is no longer *res integra* (Aysha v. RTA Kasaragod [2006 (3) KLT 1012]. It is the petitioner's intention to replace the vehicle with a later model vehicle. In the circumstances, the petitioner has filed a representation praying for release of the existing vehicle from the permit. However, the respondent has not considered Ext.P2 and has kept the same pending, in spite of the settled position of law and various orders passed by this Court and is taking the stand that the clearance certificate can be issued only if the permit is surrendered; 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-9/J 7692 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.