

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. 23894 of 2015 (J)

PETITIONER :

**THANKACHAN,
NONOOTTIL HOUSE, KATTAPPANA P.O.,
IDUKKI.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI - 685 602.**

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:**

sts

WP(C).No. 23894 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE PERMIT NO. P. ST.200/4/2007

**EXHIBIT-P2- TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
THE RESPONDENT DATED 04/08/2015 VEHICLE NO. KL 37/A 2542 ON
THE ROUTE ADIMALY - ANACHAL.**

**EXHIBIT-P3- TRUE COPY OF THE JUDGMENT DATED 30/07/2015 IN W.P(C).NO.
22137/2015.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23894 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-37/A 2542.

2. The petitioner is a regular stage carriage permit holder operating on the route between Adimaly and Anchal, now operating with KL-37/A 2542. The petitioner alleges that the vehicle KL-37/A 2542 operating on this route gives frequent troubles and often goes off road, since the route operates on a longer route and so the vehicle is to be replaced with a later model vehicle. Purchasing the latter model vehicle, is possible only by selling the present vehicle and after purchasing the later model vehicle, the replacement of vehicle application has to be filed and till that time the permit has to be made alive, by keeping it under suspended animation, which is possible to be done even as per the reported decision 2006 (3) KLT page 451. Though the petitioner has filed a replacement application earlier for replacement that vehicle

also became old and hence that replacement application cannot be perused with. Accordingly, the petitioner filed a request to the respondent to issue permitless certificate to sell the present vehicle, by keeping the permit under suspended animation, till replacement of vehicle. 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-37/A 2542 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.