

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. 23977 of 2015 (V)

PETITIONER :

**NIJAM V.M.,
S/O. V.A. MUTHU, 12/17, THAVAKKAL MANZIL
KAMMANTHARA, VADAKKANCHERY P.O.,
ALATHUR, PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
PALAKKAD – 678 001.**

BY GOVT. 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:**

Mn

...2/-

WP(C).No. 23977 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

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

EXT.P2 COPY OF THE RC BOOK OF THE VEHICLE KL-49 B 1555.

EXT.P3 COPY OF THE REQUEST DATED 1.8.2015.

EXT.P4 COPY OF THE JUDGMENT IN WP(C) NO. 16186/2015 DATED 5.6.2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23977 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-49 B 1555.

2. The petitioner is the holder of regular permit on the route between Thiruvilwamala - Meenakshipuram valid till 18.1.2016. The permit covers stage carriage KL-49 B 1555 which is a 2010 model vehicle. The petitioner alleges that he submitted Ext.P3 request before the respondent herein for appropriate orders releasing KL-49 B 1555 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-49 B 1555 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.