

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. 24664 of 2015 (G)

PETITIONER(S):

**JIGO AUGUSTINE, AGED 33 YEARS
S/O.AUGUSTINE, KANNAMPARAMBIL HOUSE, KOTHADU P.O,
ERNAKULAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**SECRETARY, REGIONAL TRANSPORT AUTHORITY,
IDUKKI, 685 603.**

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:**

PJ

WP(C).No. 24664 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE REQUEST FOR CLEARANCE CERTIFICATE FILED ON
10.8.15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24664 of 2015

Dated this the 13th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the respondent to issue a clearance certificate on Ext.P1 application.

2. The petitioner holds a regular permit to conduct service on the route Adimali-Nedumkandom issued in respect of stage carriage bearing registration number KL-07/BW 4810. The regular permit of the petitioner's vehicle is valid till 12.1.2016. It is the petitioner's intention to replace the said vehicle with a suitable other vehicle, preferably, of later model. His contention is that, he can arrange for a suitable vehicle only after disposing of the existing vehicle. Therefore, the petitioner filed an application before the respondent for the issue of a 'clearance certificate' in respect of the above vehicle by keeping the permit in suspended animation. The intention is to resume the service with a suitable other vehicle after the

construction of the bridge is completed. The petitioner relied on a decision reported in **Aysha V.R.T.A.Kasargod (2006 (3) KLT 1012)** wherein it is stated as follows : “Whether the vehicle covered by a permit can be released from the permit keeping the permit in suspended animation till such time as another vehicle is offered for replacement during the currency of the permit is no longer res integra.” It is with this background, the petitioner has come up before this Court.

3. Today, when the matter came up for admission, the learned Government Pleader, on instructions, submitted that though a specific date was given to the petitioner for hearing him, he did not appear on that date.

4. The learned counsel for the petitioner, per contra, would submit that no hearing is necessary and a direction to consider his application by this Court would be sufficient.

5. As the petitioner is intending to sell his present vehicle and to purchase another vehicle utilising the sale

proceeds, this Court is of the view that the petitioner's request is genuine.

In the result, this writ petition is disposed of directing the respondent to consider the petitioner's application for clearance certificate to sell the vehicle, without insisting the surrender of existing permit, by retaining the permit under suspended animation within two weeks from the date of receipt of a copy of this judgment. While passing orders, it shall be open to the first respondent to fix a time limit for the production of new vehicle by the petitioner.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the respondent.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge