

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 24692 of 2015 (J)

PETITIONER(S) :

**P.G.GOPALAKRISHNAN NAIR,
S/O.NARAYANAN NAIR, CHERUPURATH HOUSE,
THRIKARIYOOR P.O., KOTHAMANGALAM, ERNAKULAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA- 686 661**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 24692 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE REQUEST FOR CLEARANCE CERTIFICATE
FILED ON 07.08.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.24692 of 2015

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Dated this the 20th day of August, 2015

JUDGMENT

This writ petition is filed seeking a direction to issue a clearance certificate without insisting on surrender/cancellation of permit issued to the stage carriage bearing no.KL-44/C-6330.

2. The petitioner is the holder of regular permit to conduct service on the route between Vadattuppara, Kothamangalam, Muvattupuzna, Vadakkumbhagam and Pothanikad, issued in respect of aforesaid stage carriage and the permit is valid upto 02.01.2017. The petitioner alleges that his intention is to replace the said vehicle with a later model vehicle. The petitioner further alleges that he can arrange for a suitable vehicle only after disposing of the existing vehicle. Therefore, he filed Ext.P1 application before the respondent to issue clearance certificate in respect of the above vehicle by keeping the permit in suspended animation.

3. The petitioner further alleges that he intends to resume the service with a suitable other vehicle after the construction of the bridge is completed. The petitioner states that 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 permit is no longer *res integra* (see **Aysha v. RTA, Kasaragod** [2006 (3) KLT 1012]. It is with this background the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader.

5. When the matter came up for admission, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider Ext.P1 request submitted by the petitioner within a time frame.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P1 request and pass positive orders

granting clearance, without insisting the surrendering of existing permit, by retaining the permit under suspended animation, if it is otherwise in order. This shall be done 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 suitable vehicle to be substituted within four months from the date of clearance.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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