

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. 24961 of 2015 (U)

PETITIONER(S):

**MUSTHAFA T.K.,
S/O.HASSAN, FAIZ VILLA HOUSE,
BEHIND CIVIL STATION,
KOYILANDY, KOZHIKODE.**

BY ADV. SRI.O.D.SIVADAS.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
VATAKARA - 673 101.**

BY GOVT. 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:**

rs.

WP(C).No. 24961 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1 - TRUE COPY OF THE REQUEST DATED 13.08.2015 SUBMITTED BY
THE PETITIONER.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.24961 of 2015

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Dated this the 20th day of August, 2015

JUDGMENT

The petitioner, who is a stage carriage operator operating on the route between Ulloorkadavu and Koyilandy, has come up before this Court seeking a direction to the respondent to issue a clearance certificate.

2. According to the petitioner, the permit granted to his vehicle is endorsed to the stage carriage bearing Reg. No.KL-56/L 124. He points out that the said vehicle is not roadworthy and therefore, he is intending to replace the vehicle by another vehicle. However, due to financial difficulties, the petitioner is not in a position to purchase a new vehicle by retaining the existing vehicle. According to him, only by utilising the sale proceeds of the present vehicle, he would be able to purchase another vehicle so as to replace the existing vehicle.

3. Therefore, the petitioner submitted an application to issue clearance certificate to sell the vehicle without insisting the surrendering of the existing permit, by retaining the permit under suspended animation. However, the respondent has not granted

clearance as sought for by the petitioner. 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 in the matter.

5. As the petitioner is intending to sell his present vehicle which is not working and to purchase another vehicle utilising the sale proceeds, this Court is of the view that the petitioner's request is genuine.

Therefore, this writ petition is disposed of directing the respondent to consider Ext.P1 request submitted by the petitioner and pass positive orders without insisting the surrendering of existing permit by retaining the permit under suspended animation, within 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 issue of the clearance.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj