

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

RP.No. 532 of 2015 (A) IN WP(C).12808/2015

**AGAINST THE JUDGMENT IN WP(C) 12808/2015 of HIGH COURT OF KERALA DATED
24-04-2015**

REVIEW PETITIONER/NOT PARTY IN WPC:

**IMMANUEL JOSEPH
AGED 58 YEARS, S/O JOSEPH
KUZHITHOTTU HOUSE, CHETHIMATTAM
PALA PO, KOTTAYAM DISTRICT**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS/PETITIONER & RESPONDENTS 1 & 2 IN WPC:

- 1. JOSE MATHEW
PARAKULANGARA HOUSE, ERUMELY PO,
KOTTAYAM - 686 509**
- 2. THE REGIONAL TRANSPORT AUTHORITY
KOTTAYAM - 686 002**
- 3. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 002**

**R1 BY ADV. SRI.I.DINESH MENON
R2-R3 BY SRI RAFAEEK V.K., GOVERNMENT PLEADER**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05-10-2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

RP NO.532/2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE 1: COPY OF HTE REGULAR PERMIT IN RESPECT OF THE STAGE CARRIAGE BEARING REGISTRATION NO.KL-5/P-6444

ANNEXURE 2: COPY OF THE REGULAR PERMIT IN RESPECT OF THE STAGE CARRIAGE BEARING REGISTRATION NO.KL-05/P030

ANNEXURE 3: COPY OF THE REGULAR PERMIT IN RESPECT OF THE STAGE CARRIAGE BEARING REGISTRATION NO.KL-05/U-9081

ANNEXURE 4: COPY OF THE AGENDA OF THE MEETING OF THE 2ND RESPONDENT IN WHICH ITEM NO.12 APPEARED

ANNEXURE 5: COPY OF THE MINUTES OF HTE REGIONAL TRANSPORT AUTHORITY, KOTTAYAM HELD ON 24.03.2015 IN WHICH ITEM NO.12

RESPONDENTS' EXHIBITS:

R1(A): COPY OF HTE PROCEEDINGS DATED 24.03.2015 SIGNED ON 18.04.15

R1(B): COPY OF THE PROCEEDINGS DATED 06.07.15 SIGNED ON 12.08.15

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

R.P.No.532 of 2015 in W.P.(C).No.12808 of 2015
and
W.P.(C) No.12808 of 2015

Dated this the 05th day of October, 2015

ORDER/JUDGMENT

R.P.No.532 of 2015

This review petition is filed by a third party seeking review of the judgment of this Court dated 24.04.2015 in W.P.(C). No.12808/2015.

2. I heard the arguments of the learned counsel for the review petitioner, the learned counsel appearing for the 1st respondent/writ petitioner and also the learned Government Pleader appearing for respondents 2 and 3.

3. By judgment dated 24.04.2015, W.P.(C) No.12808/2015 was disposed of directing the 3rd respondent herein to consider and pass orders on Ext.P7 application submitted by the writ petitioner for temporary permit and issue the same, if there is no legal impediment, within a period of one month from the date of production of a certified copy of that judgment.

4. The specific case of the review petitioner is that as

evident from Annexure-5 minutes of the Regional Transport Authority, Kottayam dated 24.03.2015, Ext.P7 application submitted by the writ petitioner for temporary permit stands rejected and it was without disclosing the aforesaid fact, the writ petitioner had approached this Court in W.P.(C). No.12808/2015.

5. A counter affidavit has been filed on behalf of the 1st respondent/writ petitioner, contending that the decision regarding rejection of his application for temporary permit was communicated only on 27.04.2015. Relying on Ext.R1(a), the learned counsel for the 1st respondent/writ petitioner would contend that the proceedings of the Regional Transport Authority, Kottayam dated 24.03.2015 was signed for communication only on 18.04.2015, which was despatched by registered post only on 25.04.2015 and the writ petitioner received the same on 27.04.2015. Therefore as on 27.04.2015, the writ petitioner was not aware of the rejection of his application.

From the pleadings and documents on record, it is evident that much prior to the judgment of this Court dated 24.04.2015 disposing W.P.(C). No.12808/2015, Ext.P7 application filed by the writ petitioner for grant of temporary permit stands rejected

by the Regional Transport Authority, Kottayam. In that view of the matter, the writ petitioner was not entitled for the relief prayed for in the writ petition. Since there is an error apparent on the face of record, this review petition is allowed and the judgment dated 24.04.2015 in W.P.(C). No.12808/2015 is recalled.

W.P.(C). No.12808/2015

This writ petition is filed seeking a writ of mandamus commanding the 2nd respondent to consider and pass orders on Ext.P7 application for temporary permit. Since the said application has already been rejected by the 2nd respondent by Ext.R1(a) proceedings produced in R.P.No.532 of 2015 dated 24.03.2015, the petitioner is not entitled for any relief in this writ petition. The writ petition fails and the same is accordingly dismissed.

JV

sd/-
ANIL K. NARENDRA,
JUDGE