

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WA.No. 2183 of 2015 () IN WP(C).18901/2015

AGAINST THE JUDGMENT IN WP(C) 18901/2015 of HIGH COURT OF KERALA
DATED 29-06-2015

APPELLANT(S)/3RD PARTY:

SHANMUGHAN
S/O.MUTHUSWAMY, 5/312, PARISAKKAL
VADAKARAPATHY, PALAKKAD.

BY ADV. SRI.T.P.SAJAN

RESPONDENT(S)/PETITIONER & RESPONDENTS:

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1. SHIFA A.B.
D/O.K.I.BASHEER, AMBATTUPARAMBIL HOUSE, AKSHARA NAGARA
MANTHAKKAD, MALAMPUZHA, PALAKKAD DISTRICT.
 2. REGIONAL TRANSPORT AUTHORITY
PALAKKAD 678 001.
 3. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, PALAKKAD 678 001.

BY SRI.I.DINESH MENON
BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2183 of 2015

Dated this the 12th day of October, 2015.

J U D G M E N T

SHAFFIQUE, J.

The appellant, who is a third party, has filed this writ appeal seeking leave of this Court for challenging the judgment dated 29.6.2015 in W.P.(C)No.18901/15.

2. It is inter alia contended that the learned Single Judge has disposed of the writ petition filed by the 1st respondent herein directing the Secretary, Regional Transport Authority, Palakkad, to consider and pass positive orders on Ext.P2 application for temporary permit on the route Valiyakad - Olavakode. The main contention urged by the appellant is that the writ petitioner's application for regular permit has been subsequently rejected by the R.T.A. on the ground that it is a Nationalised route. It is submitted that if the route in question is a Nationalised route, the question of granting temporary permit may not arise. Though

the facts are as stated above, since the learned Single Judge has already issued a direction and temporary permit has already been granted, we do not think that a consideration of the matter on merits will be an empty formality. It is also submitted that the temporary permit granted is to expire by next month. The learned counsel for the appellant submits that on the very same basis, the writ petitioner should not seek for a fresh temporary permit. We make it clear that, if a further application is filed by the writ petitioner for temporary permit, it shall be open for the appellant to raise appropriate objections without referring to the decision of the learned Single Judge.

The writ appeal is disposed of with the above observations.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A.to Judge