

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 2038 of 2015 (D)

NAME AND ADDRESS OF THE PETITIONER(S) :

**SUNIL KUMAR, AGED 38 YEARS,
S/O.SUNDARESAN PILLAI, S.S.BHAVAN, CHARUMOODU,
VELIMON P.O, KOLLAM.**

BY ADV. SRI.O.D.SIVADAS

NAME AND ADDRESS OF THE RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM - 691 001.**

BY SR.GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 2038 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT SUBMITTED
BY THE PETITIONER DATED 18-12-2014.**

**EXT.P2: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
SUBMITTED BY THE PETITIONER DATED 18-12-2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J.
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W.P(C) No.2038 of 2015
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Dated this the 20th day of January, 2015

JUDGMENT

The petitioner has applied for regular permit. Pending consideration of regular permit, the petitioner seeks issuance of a temporary permit.

2. The regular permit application is seen to have been filed on 18.12.2014. 2. The filing of a regular permit application alone, cannot lead to a presumption that there is a need for such service. The authority would have to examine the feasibility of the route, the public need, the availability of timings and so on and so forth to consider the regular permit application itself. The field officer's report would have to be called for and it also need to be examined whether there is any objectionable overlap of a notified scheme. Pending such consideration no right accrues for a temporary permit. In such circumstance, the authority cannot

be directed to issue a temporary permit within a specific period. The authority definitely would have to look at the need for a service and also would have to look at the field officer's report before even a temporary permit application is considered. In such circumstance, the respondent is directed to consider the issue in accordance with law.

Writ petition is disposed of as above.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True Copy//

P.A to Judge