

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 7311 of 2015 (L)

PETITIONER(S):

**MANAGING PARTNER,
M/S. MANIKANDAN BUS SERVICE,
M.G.ROAD, THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
THRISSUR-680002.**

BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 7311 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED
3.3.2015.**

EXHIBIT P2: TRUE COPY OF THE COVERING LETTER DATED 3.3.2015.

EXHIBIT P3: TRUE COPY OF THE CHALAN RECEIPT DATED 3.3.2015.

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN WPC NO.2797/2015 DATED
29.1.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.
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W.P.(C) No.7311 of 2015 - L
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Dated this the 13th day of March, 2015

J U D G M E N T

The petitioner was the holder of a regular permit, which was valid up to 04.09.2012. The petitioner in accordance with the provisions of the Motor Vehicles Act, 1988, applied for the renewal of permit within time. Under Section 87(1)(c), the petitioner also has now made an application for temporary permit. Earlier, the vehicle which was endorsed in the permit was not fit for service and hence the petitioner had not applied for a temporary permit pending consideration of the renewal application. The petitioner having obtained another vehicle, seeks for consideration of the temporary permit application with the said stage carriage now acquired by the petitioner.

2. The learned Government Pleader on instruction submits that, pursuant to a direction issued by this court in

W.P.(C) No.33420 of 2014 dated 11.12.2014, a temporary permit was issued to a stage carriage No. KL-17/C-3040. Such directions issued by this Court would be subject to the preferential claim of the regular permit holder itself. In such circumstance, there is no necessity for issuing notice to the person, who has obtained temporary permit in the route. The petitioner's application shall be considered immediately, after issuing notice to the person, who is running in the temporary permit in the said route. The regular permit holders application for temporary permit overrides the third parties claim. The same shall be considered within three weeks from today.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge