

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 12345 of 2015 (P)

PETITIONER :

**SHAMEER BABU, AGED 46 YEARS,
S/O.ABDULLA, 4/53, KAITHERI HOUSE,
THIRUKKAD P.O., VIA ANGADIPPURAM, PERINTHALMANNA,
MALAPPURAM DISTRICT**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS :

- 1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
PALAKKAD,PIN 678 001**
- 2. REGIONAL TRANSPORT AUTHORITY,
PALAKKAD REPRESENTED BY ITS SECRETARY, PIN 678 001**

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SNJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS DATED 03-02-2005 ISSUED BY A 1ST RESPONDENT.

EXHIBIT P2: TRUE REGULAR PERMIT VALID UPTO 15-01-2013 RELATING TO BUS NO KL-53C-9001.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT IN W.P(C) NO 30258/2014 DATED 14-11-2014

EXHIBIT P4: TRUE COPY OF THE TEMPORARY PERMIT DATED 22-11-2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXHIBIT P5: TRUE COPY OF THE STOP MEMO DATED 03-02-2015 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 04-04-2015 SENT BY THE PETITIONER ADDRESSED TO THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS :

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.12345 of 2015

Dated this the 28th day of May, 2015.

JUDGMENT

Aggrieved by the delay in considering Ext.P6 application filed by the petitioner for renewal of permit to operate on the route in question as an ordinary limited stop service, the petitioner has come up before this Court.

2. The petitioner is a stage carriage operator and he is the grantee of a regular permit on the route Walayar-Kozhikode with a settled timings issued by RTA, Palakkad on 3.2.2015. The petitioner submitted that the application renewal of regular permit which is pending. In the meantime, the petitioner has been operating his service on the strength of successive temporary permit issued under Section 87 (1) (d) of the Motor Vehicles Act. The last permit was issued as per the directions of this Court, however, this was stopped as per Ext.P5 stop memo.

3. Today, when the matter came up for hearing, the

learned Government Pleader, on instructions, submitted that Ext.P6 stop memo was issued for the reason that the route is now reserved for KSRTC. Therefore, there is no point in challenging Ext.P6 stop memo at this point of time. However, it is submitted by both sides, Ext.P6 application is still pending and therefore, the same requires consideration.

Recording the said submissions, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P6 application submitted by the petitioner within a period of one month from the date of receipt of a copy of this judgment, after affording the petitioner as well as KSRTC, an opportunity of being heard. It is open to the petitioner to produce a copy of the judgment, a copy of this writ petition and a copy of Ext.P6 before the first respondent to facilitate an early action.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.