

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 12839 of 2015 (D)

PETITIONER(S):

**RAHMATH NASSAR, W/O.NASSAR,
PATTAMPARAMBIL HOUSE, WEST KADUNGALLUR P.O., ALUVA.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM - 682 030.**

BY SENIOR GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 12839 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID
TILL 16.10.2013.**

EXT.P2 - TRUE COPY OF THE JUDGMENT IN WPC.NO.34395/2014 DATED 18.12.2014.

EXT.P3 - TRUE COPY OF THE TEMPORARY PERMIT DATED 24.12.2014.

**EXT.P4 - TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT U/S 87(1)(C)
DATED 16.4.2015.**

**EXT.P5 - TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT U/S 87(2)(I)
DATED 16.4.2015.**

EXT.P6- TRUE COPY OF THE JUDGMENT IN WPC.NO.76/2014 DATED 2.1.2014.

EXT.P7 - TRUE COPY OF THE JUDGMENT IN WPC.NO.12658/2014 DATED 20.5.2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.VINOD CHANDRAN, J.

W.P.(C) No.12839 of 2015

Dated this the 28th day of April 2015

JUDGMENT

The petitioner was the holder of a regular stage carriage permit on the route Aluva - South Chittoor Temple and admittedly her regular permit expired on 16.10.2013. It is also not disputed that she did not file application for renewal within the time stipulated i.e., 15 days before the expiry of the permit. However, now petitioner has preferred an application for renewal of permit along with an application for condonation of delay which is permissible under Section 81 of the Kerala Motor Vehicles Act, 1988. Though the Regional Transport Authority rejected the renewal application, on appeal the State Transport Appellate Tribunal set aside the order and remanded the matter for

reconsideration. The present grievance of the petitioner is that, in the meanwhile she had applied for temporary permit, which the authority is refusing to consider on the ground that the regular permit has expired and there is no application filed within the period stipulated for renewal of the permit.

2. However, going by the binding decision of this Court in W.P.(C). No.10484 of 2011 dated 23.6.2011, the authority is to consider the application for temporary permit, treating the vacancy in regular permit which has expired, as a temporary need. If the same is received in the office of the respondent in original, Ext.P5 shall be considered and issued within a period of two weeks from today.

Writ Petition is allowed.

Sd/

**K.VINOD CHANDRAN,
JUDGE**

dl