

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

WP(C).No. 13277 of 2015 (H)

PETITIONER(S) :

**JANARDHANAN,
MANIKOTH HOUSE, VELIYAMBRA, P.R.NAGAR,
CHAVASSERY, KANNUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR- 670 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 13277 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE TEMPORARY PERMIT APPLICATION
DATED 01.04.2015 WITH CHALAN.**

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.16/2015
DATED 05.01.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13277 of 2015

Dated this the 2nd day of June, 2015

J U D G M E N T

Alleging inaction on the part of the respondent in considering the application for substitute temporary permit in place of his own service, the petitioner has come up before this Court.

2. The petitioner is an existing operator, conducting service on the route between Veliyambra and Thalassery on the basis of a regular permit in respect of stage carriage No.KL-58 E 1530, which is valid till 10.01.2018. The petitioner alleges that as the said vehicle is mechanically defective, he obtained clearance certificate by keeping the permit under suspended animation. As the efforts of the petitioner to procure another vehicle for replacement failed and the mechanical works of the basic vehicle were completed and the same was ready for operation, he applied for substitute

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temporary permit in place of his own service. According to the petitioner, as he is attempting to bring in a higher model vehicle for replacement, regular replacement application has not been submitted. Since the basic permit is not operating, the petitioner applied for temporary permit as per Section 87(1)(c) of the Motor Vehicles Act, 1988. According to the petitioner, he is entitled for a temporary permit as applied for. The Secretary, Regional Transport Authority has taken the stand that since the basic permit is not operating, he could not consider the application for temporary permit. It is in this context, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to consider and pass appropriate orders on Ext.P1 in the

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light of Ext.P2 judgment within a time frame.

Therefore, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 in the light of Ext.P2 judgment within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition and a copy of Ext.P2 before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-