

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 13649 of 2015 (E)

PETITIONER:

**ANILKUMAR,
CHAPPATHIL HOUSE,
T.V.PURAM P.O., VAIKOM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 002.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 002.**

BY GOVERNMENT PLEADER SRI.FAZIL.P

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 13649 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
DATED 5/1998.
- EXT.P2: TRUE COPY OF THE RENEWAL APPLICATIONS DATED 30/03/2015
ALONG WITH COVERING LETTER, DELAY PETITION, CHALAN.
- EXT.P3: TRUE COPY OF THE ORDER IN WPC NO.10484/2011 DATED 23/6/2011.
- EXT.P4: TRUE COPY OF THE TEMPORARY PERMIT APPLICATION
DATED 30/3/2015 WITH CHALAN.
- EXT.P5: TRUE COPY OF THE JUDGMENT IN WPC NO.76/2014
DATED 2/1/2014.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.13649 of 2015

Dated this the 8th day of May, 2015

JUDGMENT

Petitioner was a regular permit holder in the route T.V.Puram-Chemmanakari and admittedly his regular permit expired on 17.5.2008. It is also not disputed that he 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. The present grievance of the petitioner is that in the meanwhile he 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.

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 second respondent in original, Ext.P4 shall be considered within a period of two weeks from today.

The writ petition is allowed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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