

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

WP(C).No.14685 of 2015 (I)

PETITIONER:

**BESHI MATHEW,AGED 33 YEARS,S/O.MATHEW,
CHAKKANIKUNNEL HOUSE,MANIPPARA P.O.
KANNUR DISTRICT-670705.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR,CIVIL STATION,KANNUR-670002.**
- 2. THE SECRETARY,REGIONAL TRANSPORT AUTHORITY,
KANNUR,CIVIL STATION,KANNUR-670002.**

BY GOVT. PLEADER SMT.M.J.RAJASHREE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1- TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT WITH
TIMINGS SUBMITTED BY THE PETITIONER DATED 6-5-2015.**

EXHIBIT P2- TRUE COPY OF THE RECEIPT DATED 6-5-2015.

**EXHIBIT P3- TRUE COPY OF THE COVERING LETTER FILED BY THE PETITIONER
DATED 6-5-2015.**

**EXHIBIT P4- TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
SUBMITTED BY THE PETITIONER DATED 6-5-2015.**

EXHIBIT P5- TRUE COPY OF THE RECEIPT DATED 6-5-2015.

EXHIBIT P6- TRUE COPY OF THE COVERING LETTER DATED 6-5-2015.

**EXHIBIT P7- TRUE COPY OF THE REQUEST OF THE CHAIRMAN KOTTIYOOR
DEVASWOM DATED 7-5-2015.**

**EXHIBIT P8- TRUE COPY OF THE REQUEST OF THE PRESIDENT KOTTIYOOR
GRAMA PANCHAYATH DATED 7-5-2015.**

**EXHIBIT P9- TRUE COPY OF THE REQUEST OF THE MEMBER OF THE
LEGISLATIVE ASSEMBLY DATED 7-5-2015.**

**EXHIBIT P10- TRUE COPY OF THE REQUEST OF THE MEMBER ULIKKAL GRAMA
PANCHAYATH DATED NIL.**

EXHIBIT P11- TRUE COPY OF THE JUDGMENT IN WPC NO.11/15 DATED 5-1-2015.

**EXHIBIT P12- TRUE COPY OF THE JUDGMENT IN WPC NO.12404/15
DATED 17-5-2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.14685 OF 2015

Dated this the 19th day of May, 2015

J U D G M E N T

The petitioner is the owner of a stage carriage bearing registration No.KL- 13/K 4969. He had applied for a temporary permit on the route Manikkadavu-Iritty-Nelliyodi-Thottipalam via Alavikunnu, Vengaloode, Manippara, Ulikkal, Peravoor, Thundy, Kelakam, Kottiyoor Temple, Kandappanam in the vacancy created by the stage carriage that was regularly operating on the said route. The grievance of the petitioner in the writ petition is that although the petitioner had preferred an application for grant of temporary permit, the same has not been considered by the respondents.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with the following directions:

- (i) If there is a vacancy of stage carriage in the route Manikkadavu-Iritty-Nelliyodi-Thottipalam

via Alavikunnu, Vengaloode, Manippara, Ulikkal, Peravoor, Thundy, Kelakam, Kottiyoor Temple, Kandappanam, and no other person has applied for a temporary permit in that vacancy, the respondents shall consider the application of the petitioner for the grant of temporary permit and issue a temporary permit of four months duration within one week from the date of production of a certified copy of the judgment, by passing orders on the application preferred by the petitioner.

(ii) It is made clear that the issuance of temporary permit as above will be subject to the preferential claim, if any, of other persons.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns