

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 15202 of 2015 (A)

PETITIONER(S) :

**AJAS JEBBAR,
MULAKKAMPILLI HOUSE, KUNNUPURAM, THRIKKAKARA,
KAKKANAD, ERNAKULAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY,
ERNAKULAM- 682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM-682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE ROUTE ENQUIRY REPORT DATED 21/12/2013.**
- P2: A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
DATED 06/01/2014.**
- P3: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF KL-07/BX 7380**
- P4: A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
DATED 18/05/2015.**
- P5: A TRUE COPY OF THE JUDGMENT DATED 25/03/2015 IN
W.P.(C).NO.8554 OF 2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15202 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

The petitioner's application for the grant of a regular permit was rejected by respondents as per Ext.P2 order. referring to the decision of the Apex Court to the effect that the transport authority is empowered to grant a permit under Section 72(2) of the Motor Vehicles Act for a stage carriage of a specified description and therefore, it is incumbent on the petitioner to offer the description of the vehicle before the authority. The petitioner points out that the said decision was rendered in the context of a decision taken by the transport authority, not to grant stage carriage permits to the vehicles that have completed 15 years from the date of registration. The petitioner pointed out that in the instant case, he has categorically specified that he is ready to offer a suitable stage carriage with a seating capacity of not less than 28 in all.

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

learned Government Pleader submits that previous application was rejected on 6.1.20114.

3. The learned counsel for the petitioner, referring to Ext.P5, which was rendered by this Court in a similar situation, submitted that the petitioner was prevented from moving this Court at the appropriate time as he was not having a stage carriage at that point of time. It is submitted by the learned counsel that at present he is in possession and ownership of a stage carriage with a seating capacity of 31 in all.

4. Considering the rival submissions as well as the matters now placed on record, this Court is of the view that there is no harm in directing the first respondent to have a re-look of the issue in the light of the case.

In the result, the writ petition is disposed of quashing Ext.P2 and directing the first respondent to have a re-look of the issue in the light of Ext.P5, after affording the petitioner an opportunity of being heard. The aforesaid exercise shall be completed within a period of one month from the date of

receipt of a copy of this judgment. As the learned counsel for the petitioner submits that the petitioner submitted an application for temporary permit (Ext.P4), the same shall be considered by the second respondent and orders shall be passed without any further delay. To facilitate an earlier action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before the respondents concerned at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.