

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 15918 of 2015 (L)

PETITIONER :

**SANTHOSH JOSEPH,
KADAMTHODE HOUSE, CHANGANACHERRY,
KOTTAYAM DISTRICT.**

BY ADV. SRI. P. DEEPAK

RESPONDENT(S):

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM-686 001.**

BY GOVT. PLEADER SRI. SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 15918 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1- TRUE COPY OF THE REQUEST FOR PERMIT-LESS CERTIFICATE
 DATED 20.05.2015.**

**EXT. P2- A TRUE COPY OF THE JUDGMENT DATED 07.01.2015 IN
 WPC NO.375 OF 2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15918 of 2015

Dated this the 5th day of June, 2015.

JUDGMENT

The petitioner has come up before this Court for a direction to the respondent to consider Ext.P1 request.

2. The petitioner holds a regular permit to operate service between Mundiappilly and Changanacherry issued in respect of stage carriage bearing registration No.KI-05/M 6420. The regular permit is valid till 31.10.2016. The petitioner alleges that the route in question is a short route and the distance between the aforesaid two permits is nearly 10 kilometers. However, owing to the construction of a bridge at an intermediate point, the vehicles are being diverted. Consequently, the stage carriage is required to traverse an additional 10 kilometers in every trip. The petitioner further alleges that it has become virtually impossible to adhere to the time schedule issued to the service. Apart from the above, the vehicle covered by the permit is also a 2002 model and has

completed more than 13 years of ceaseless operation and is in a dilapidated condition. The vehicle requires to be replaced sooner for the smooth and efficient conduct of the service. The petitioner further alleges that he filed an application before the respondent to issue permit-less certificate in respect of the above vehicle by keeping the permit in suspended animation. This would enable the petitioner to dispose of the vehicle and make arrangements for procuring a new vehicle for replacement. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 request, keeping regular permit under suspended animation, after affording an opportunity of being heard the petitioner, within a period of two weeks from the date of

receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.