

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 16165 of 2015 (U)

PETITIONER:

**ANEESH KUMAR C.V, S/O. BALAKRISHNAN,
PRANAVAM, KUDUKKIMOTTA,
P.O. KANHIRODE, KANNUR DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: THE COPY OF THE SAID NOTICE DATED 28.11.2014.
- EXHIBIT P2: TRUE COPY OF THE APPLICATION FOR REPLACEMENT SUBMITTED BY THE PETITIONER.
- EXHIBIT P3: TRUE COPY OF THE APPLICATION FOR RENEWAL OF PERMIT SUBMITTED BY THE PETITIONER.
- EXHIBIT P4: TRUE COPY OF THE PROCEEDINGS DATED 11.2.2015 ISSUED BY THE RTA.
- EXHIBIT P5: TRUE COPY OF THE INTERIM ORDER ISSUED BY THE STATE TRANSPORT APPELLATE TRIBUNAL IN MVAA NO.78/2015.
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT DATED 21.5.2015 OF THE STATE TANSPORT APPELALTE TRIBUNAL IN MVAA NO.78/2015.
- EXHIBIT P7: TRUE COPY OF THE TEMPORARY PERMIT DATED 8.5.2015.
- EXHIBIT P8: TRUE COPY OF THE APPLICATION DATED 27.5.2015 SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16165 of 2015

Dated this the 1st day of June, 2015.

JUDGMENT

The petitioner has approached this Court with prayers for consideration of Ext.P2 application for replacement and Ext.P3 application for renewal.

2. The petitioner is the permit holder and he has already filed applications for replacement as well as renewal. Both the applications are pending. In the meantime, the Regional Transport Authority revoked the permit itself alleging delay in producing the records of the vehicle after obtaining clearance certificate. The petitioner alleges that this Court had consistently taken the view that the delay in producing the records of the vehicle is not at all a reason to deny replacement. Hence revocation of the permit is bad in law. Ext.P4 order revoking the permit has already been set aside by the State Transport Appellate Tribunal. In view of the order of the Appellate Tribunal, there is no impediment in granting

replacement as well as renewal. The petitioner further alleges that admittedly, he is the permit holder and his application for renewal and replacement are pending with the respondent. Hence the petitioner is entitled to get temporary permit under Section 87(1) (d) of the Motor Vehicles Act. But the respondent has not issued the temporary permit without any valid reasons though application was submitted by the petitioner sufficiently earlier. On account of the delay in issuing the temporary permit, the petitioner's vehicle is lying idle.

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

Considering the nature of submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider and pass orders on Exts.P2 and P3, after affording the petitioner an opportunity of being heard, within a period of three weeks from the date of receipt of a copy of this judgment. There shall also be a direction to the

respondent to consider the petitioner's application for temporary permit in the meantime, in the light of Ext.P6 order passed by the State Transport Appellate Tribunal.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.