

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 16799 of 2015 (Y)

PETITIONER(S):

**NOUSHAD P,
S/O.MOIDEEN, PARAMBADAN HOUS, MANGALASSERY,
KARUVAMPURAM, MANJERI, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE, PIN 673 020.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 16799 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- PHOTOCOPY OF THE APPLICATION DATED 8.5.15 SUBMITTED BY THE
 PETITIONER BEFORE THE RESPONDENT**
- P2- PHOTOCOPY OF TE JUDGMENT IN WPC NO.14248/2015 DATED 12.5.15**
- P3- PHOTOCOPY OF THE PROCEEDINGS OF THE RESPONDENT VIDE ORDER
 NO.C2/6733/2015 DATED 23.5.2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.V.ASHA, J.

W.P(c) No.16799 of 2015-Y

Dated this the 22nd day of June, 2015

JUDGMENT

The petitioner is challenging Ext.P3 by which the request for substitute temporary permit in respect of stage carriage No.KL-10-AS-1800 in place of route bus KL-10-S-4201 was rejected saying that it would be possible only after renewal of temporary permit under Section 87(1)(d) of the route bus.

2. The respondent has filed a statement saying that the route bus has no valid regular or temporary permit and therefore substituted temporary permit may not be issued. It is further stated that the petitioner's application was considered in the light of Ext.P2 judgment of this Court in Writ Petition No.14248 of 2015, for issuance of temporary permit and it was rejected. It is stated that the petitioner applied for permitless certificate to the Regional Transport Officer, Malappuram on 02.06.2015, which has been issued on 03.06.2015.

3. The learned counsel for the petitioner submits that issuance of permitless certificate is no reason for rejecting his

application, when this Court has already directed in Ext.P2 judgment that to issue temporary permit subject to renewal by the regular permit holder for a duration of four months or till the renewal issued to the regular permit holder whichever is earlier. It is stated that the renewal application in respect of the regular permit holder is pending.

In the light of the above, Ext.P3 is set aside and the respondent is directed to reconsider and pass orders on his application Ext.P1, within two weeks.

rtr/

Sd/-
(P.V.ASHA, JUDGE)