

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 17092 of 2015 (J)

PETITIONER :

**V.ABDUL RAHIMAN, AGED 40 YEARS,
K.K.HOUSE, (KATTUKATTIKUNI), CHINGAPURAM P.O.
KOILANDY, KOZHIKODE.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS :

- 1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, KANNUR-670002.**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR, REPRESENTED BY ITS SECRETARY.**

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 17092 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE EXISTING TEMPORARY PERMIT
DATED 20-12-2014.**

**EXHIBIT P2: TRUE COPY OF THE TEMPORARY PERMIT APPLICATION
DATED 6-5-2015 ON THE ROUT KOZHIKODE-PAYYANNUR WITH
S/C KL 56/J 747.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17092 of 2015

Dated this the 10th day of June, 2015.

JUDGMENT

Aggrieved by the inaction on the part of the respondent in re-issuing the temporary permit as per Ext.P2, the petitioner has come up before this Court.

2. The petitioner is operating a stage carriage between Kozhikode and Payyannur with KL 56/ J 747 as limited stop fast passenger service and that permit requires renewal. The petitioner alleges that while so, the Government issued a scheme, restricting the grant of permit on certain scheme area and also decided not to allow private operators to operate as Fast Passenger, Super Fast services etc. and on challenging it, a learned Single Judge of this Court found that one part of it, is maintainable and the other part is not maintainable. Against that matter, appeal is pending consideration of grant of fast passenger and above category of super services, but though the matter is heard, the judgment is not pronounced. The

petitioner further alleges that he applied for grant of four months temporary permit in its place by offering the same vehicle and a four months temporary permit was issued with expiry on 9.6.2015. As that temporary permit is expiring and in order to continue, the temporary permit application is filed. The delay in disposing of Ext.P2 temporary permit application is without jurisdiction and the public, specially the students are suffering since the temporary permit is not granted and issued; it is alleged.

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

4. The learned Government Pleader on instruction submits that the route is already reserved for KSRTC.

5. However, the learned counsel for the petitioner submitted that the issue is pending consideration of the Division Bench in an intra court appeal.

However, as the petitioner is continuing on temporary permit, this writ petition is disposed of directing the second

respondent to consider Ext.P2 application, after affording the petitioner as well as the KSRTC, an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment. It is thereby made clear that any temporary permit if issued on Ext.P2 application, shall be subject to the final outcome of the decision of the Division Bench in the intra court appeal. As the petitioner is operating on the basis of a temporary permit till yesterday, the state of affairs shall continue till the permit is renewed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.