

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. 17300 of 2015 (J)

PETITIONER(S):

**SURESAN, VATHUSSERIL HOUSE,
T.V. PURAM, VAIKOM.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM -686 002.**

BY GOVT. 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:**

rs.

WP(C).No. 17300 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS:

- P1- TRUE COPY OF THE JUDGMENT IN WP(C) NO.32771/2014
DATED 08.12.2014.**
- P2- TRUE COPY OF THE ORDER IN MP NO.275/2015 IN MVARP NO.108/2014
DATED 09.04.2015.**
- P3- TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 12.06.2015.**
- P4- TRUE COPY OF THE APPLICATION FOR RE-ISSUE OF TEMPORARY
PERMIT DATED 02.06.2015.**
- P5- TRUE COPY OF THE JUDGMENT IN WP(C). NO.16477/2015
DATED 03.06.2015.**

RESPONDENTS' EXHIBITS:

NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17300 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

Aggrieved by the delay in submitting the application to re-issue a temporary permit, the petitioner has come up before this Court.

2. The petitioner is the registered owner of a stage carriage vehicle bearing no.KL-2 Z 4365. The petitioner was having a regular permit on the route T.V.Puram - Brahmamangalam in respect of stage carriage bearing no.KL-1 X 2004 which is valid till 23.1.2004. The petitioner submitted renewal application and applied for temporary permit under Section 87(1)(c) of the Act which was being issued continuously and the petitioner is an existing operator.

3. The petitioner alleges that previously when the temporary permit application was rejected, he filed W.P(C) No.32771 of 2014 and pursuant to the direction of this Court, temporary permit was issued, which is valid till 12.4.2015. Thereafter when the temporary

permit was rejected, he preferred MVARP No.208 of 2014 wherein the learned Tribunal granted temporary permit for two months and the same is valid till 12.6.2015. That revision petition is pending. However, the Tribunal is not sitting now.

4. Since the issue relating to the renewal of regular permit has not been finalised, the petitioner applied for re-issue of temporary permit so as to continue the operation. The petitioner points out that as per Section 87(1)(c) of the Motor Vehicles Act, 1988, the petitioner is entitled for a temporary permit as applied for. The respondent has taken a stand that since the basic permit is not in existence, he could not consider the application. Hence, this writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the relief sought for and the submissions made, this writ petition is disposed of directing the

respondent to consider the application submitted by the petitioner for re-issue of temporary permit within a period of two weeks from the date of receipt of a copy of this judgment. As the petitioner is operating on the basis of the temporary permit, the status quo shall continue.

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

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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