

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WP(C).No. 17632 of 2015 (D)

PETITIONER :

**RADHAKRISHNAN M.R AGED 50 YEARS
MURIKKAPARAMBIL HOUSE, AYYAMPILL, NORTH PARUR**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS :

**1. REGIONAL TRANSPORT AUTHORITY ERNAKULAM
PIN 682030**

**2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM 682030**

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE PERMIT ISSUED TO PETITIONER.
- P2:- TRUE COPY OF THE CASH RECEIPT DTD 31/12/2014.
- P3:- TRUE COPY OF THE REPLACEMENT APPLICATION DTD 19/5/2015 WITH
CHALAN AND COVERING LETTER.
- P4:- TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DTD 19/5/2015
WITH CHALAN

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17632 of 2015

Dated this the 17th day of June, 2015

J U D G M E N T

The petitioner has come up before this Court aggrieved by the non consideration of the application for temporary permit pending renewal application.

2. The petitioner is a regular permit holder on the route between Vypin and Maliankara, which was valid till 08.09.2014, in respect of stage carriage bearing Reg.No.KL-7 AW 4668. According to the petitioner, there was some tax arrears in respect of the said vehicle and the entire tax dues sought for was paid. As the original RC Book of the said vehicle was missing, he applied for replacement by brining out a leased out vehicle bearing Reg.No.KL-38-2752 remitting the requisite fee. He applied for temporary permit also to continue service. According to the petitioner, he can get temporary permit in place of his own vacancy and there is no justification in

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refusing temporary permit. Since the respondent did not pass any order on the applications, the petitioner has come up before this Court.

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

4. The learned Government Pleader, on instructions, submitted that a stage carriage bearing Reg.No.KL-07-AX-3128 was given temporary permit till 19.07.2015.

5. The learned counsel for the petitioner submitted that as the said temporary permit has been granted in the petitioner's own vacancy, the same has to go.

6. The learned Government Pleader further submitted that the petitioner has not produced relevant records and has not remitted tax. In answer to the same, the learned counsel for the petitioner submits that he is ready to produce the records, which would satisfy the requirements in terms of Rule 174(4), and to remit the tax.

Considering the facts and circumstances of the case, this Court is of the view that the matter requires a

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reconsideration by the RTA.

Therefore, the matter is remitted back to the RTA for reconsideration. It shall be open to the petitioner to satisfy the requirements in terms of Rule 174(4) and to remit the tax. In the event of satisfying those conditions, replacement shall be ordered.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-