

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 17710 of 2015 (K)

PETITIONER(S):

**K. PREMALATHA, D/O.KRISHNAN,
MAYOORAM, CHUMADUTHAGI,
P.O. MANDOOR, KANNUR.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001.**

BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 17710 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 TRUE COPY OF THE TEMPORARY PERMIT APPLICATION
DATED 10-06-2015 WITH CHALAN.**

**EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN WP(C).NO. 1256/2015
DATED 14-01-2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17710 of 2015

Dated this the 15th day of June, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to consider the petitioner's application for temporary permit within a time frame.

2. The petitioner is the registered owner of a stage carriage bearing registration No. KL - 13 J 4143, which is a tax paid idle vehicle. The petitioner alleges that there was a regular permit to operate between 5th Mile and Kuthuparamba in respect of stage carriage KL-58 A 477 which defaulted its service. It is not operating and the basic permit holder has not taken any steps to continue the service and in the said circumstances, the petitioner applied for temporary permit in place of stage carriage KL-13 J 4143 for catering the travelling needs of the public. However, the respondent has taken a stand that since the basic permit is not in existence, the application for temporary permit is not liable to be considered.

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

Considering the nature of relief sought for, the writ petition is disposed of directing the second respondent to consider and pass orders on Ext.P1, after affording the petitioner an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment. It is hereby made clear that the issuance of temporary permit shall be subject to preferential claim, if any.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.