

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No.18275 of 2015 (H)

MVARP 91/2015 of STATE TRANSPORT APPELLATE TRIBUNAL,ERNAKULAM.

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PETITIONER:

**SHAHUL HAMEED,AGED 30 YEARS,
S/O. K.P.ABOOBACKER,KUMMATTUPUTHENPURA,
KUMMANODE,PATTIMATTOM.**

BY ADV.SRI.P.DEEPAK

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA-686661.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.18275 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:A TRUE COPY OF THE REGULAR PERMIT VALID TILL 28/11/2018.

**EXT.P2:A TRUE COPY OF THE PROCEEDINGS OF THE RTA, MUVATTUPUZHA
DATED 13/2/2015.**

**EXT.P3:A TRUE COPY OF THE JUDGMENT OF THE STAT IN MVARP NO.91 OF
2015 DATED 14/5/2015.**

EXT.P4:A TRUE COPY OF THE CHALLAN RECEIPT DATED 11/6/2015.

**EXT.P5:A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
DATED 8/6/2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18275 of 2015

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Dated this the 18th day of June, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to issue temporary permit. As Ext.P2 order of the RTA revoking Ext.P1 permit was set aside by Ext.P3 statement, consequential orders are yet to be passed by the RTA; it is alleged.

2. The petitioner holds a regular permit to conduct service on the route Perumbavoor-Thripunithura. The said permit is valid upto 28.11.2018. The petitioner alleges that pursuant to the directions issued by the respondent in MVARP No.100 of 2014, a clearance certificate was issued to the stage carriage covered by Ext.P1 permit keeping the permit in suspended animation and the petitioner was required to offer a suitable vehicle was replacement within 4 months.

3. The petitioner on 13.11.2014 filed an application for replacement, offering a later model stage carriage. However, the RTA

proceeded to reject the application for replacement and revoke Ext.P1 permit on the ground that the current records of the incoming vehicle were submitted only on 13.11.2014 whereas the time of 4 months stipulated by the State Transport Appellate Tribunal for effecting replacement expired three days earlier i.e. on 10.11.2014.

4. The petitioner further alleges that Ext.P2 is set aside by the STAT in MVARP No.91 of 2015 and the RTA was directed to receive the current records of the incoming vehicle subject to the petitioner remitting an amount of ₹2,000/- to the Road Safety Fund. The petitioner further alleges that he had remitted the amount to the Road Safety Fund as directed by the STAT and produced the receipt before the respondent. Till consequential orders are to be passed by the RTA in compliance with Ext.P3 judgment, the petitioner has filed an application for temporary permit so that he can resume operation on the route. However, the respondent is refusing to countenance Ext.P5 application on the reasoning that the petitioner would have to

await the decision of the RTA. It is with this background, the petitioner has approached this Court.

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

6. As it would take time to pass consequential orders on Ext.P3 judgment, this Court is of the view that the petitioner can be permitted to operate temporary permit during the interregnum.

Therefore, this writ petition is disposed of directing the respondent to pass formal orders on Ext.P5 application granting temporary permit to the petitioner in the interregnum.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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