

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. 18285 of 2015 (I)

PETITIONER :

**EMIL B.K., AGED 42 YEARS
S/O.LATE SHRI. KUNJU KUNJU
RESIDING AT BALLIPADATH HOUSE, CHOORNIKKARA
THAIKKATTUKARA, ALUVA-683106.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN H.**

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
CIVIL STATION, ERNAKULAM-682 030.**

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. 18285 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 TRUE COPY OF THE REGULAR PERMIT VALID UPTO 14.07.2014 ISSUED BY THE RESPONDENT IN THE NAME OF THE PETITIONER TO OPERATE ON THE ROUTE ALUVA-PERUMBAVOOR.**
- EXT.P2 TRUE COPY OF THE APPLICATION DATED 06.03.2015 FILED UNDER SECTION 87(1)(D) OF THE MOTOR VEHICLES ACT FOR THE GRANT OF FOUR MONTHS TEMPORARY PERMIT ON THE ROUTE ALUVA, PERUMPADAPPU.**
- EXT.P3 TRUE COPY OF THE TEMPORARY PERMIT BY THE RESPONDENT ON 29.04.2015 FOR 20 DAYS WHICH WAS VALID UPTO 18.05.2015.**
- EXT.P4 TRUE COPY OF THE APPLICATION DATED 04.05.2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.**
- EXT.P5 TRUE COPY OF THE RECEIPT DATED 04.05.2015 ISSUED FROM THE RESPONDENT'S OFFICE EVIDENCING RECEIPT FOR PAYMENT OF FEES OF EXHIBIT P4 APPLICATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.18285 of 2015

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Dated this the 18th day of June, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the delay in considering Ext.P4 application submitted by the petitioner for grant of temporary permit under Section 87(1)(d) of the Motor Vehicles Act.

2. The petitioner, an operator and registered owner of bus bearing No.KL-04 R-7698 which was covered with regular permit valid upto 14.7.2014 to operate on the route Aluva-Perumpadappu submitted application dated 2.8.2014 for renewal of permit to operate on the aforesaid route with bus bearing No.KL-3 M-6262 instead of bus bearing No.KL-4 R-7968. The petitioner alleges that the application was not considered for want of production of NOC from the financier for the outgoing vehicle which according to the petitioner, is not required under law.

3. In the meanwhile, he filed application for grant of temporary permit to operate on the route in question and Ext.P3 permit was granted for 20 days; it is alleged. Thereafter though

the petitioner has filed Ext.P4 application for grant of temporary permit for four months, the same has not been considered even after a lapse of nearly 40 days. It is with this background, the petitioner has come up before this Court.

4. Arguments have been heard.

Considering the nature of the relief sought for and the submissions made by the learned counsel for the petitioner, the writ petition is disposed of directing the respondents to consider and pass orders on Ext.P4 application submitted by the petitioner within a period of two weeks after affording the petitioner an opportunity of being heard.

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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