

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18653 of 2015 (F)

PETITIONER(S):

**MOOSA HAJI, KOLAKKADAN HOUSE,
CHERUVADI PO, KOZHIKODE 673 661**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY, KOZHIKODE
REPRESENTED BY ITS SECRETARY, PIN-673020**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
KOZHIKODE, 673 020**

BY GOVERNMENT PLEADER K.A.SANGEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 18653 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE REGULAR PERMIT APPLICATION
SUBMITTED BY THE PETITIONER ON THE ROUTE AREEKODE
MAVOOR KOZHIKODE DATED 18.5.2015**
- EXT.P2 : TRUE COPY OF THE 4 MONTHS TEMPORARY PERMIT
APPLICATION SUBMITTED BY THE PETITIONER ON THE ROUTE
AREEKODE-MAVOOR, KOZHIKODE DATED 3.6.2015**
- EXT.P3 : TRUE COPY OF THE COVERING LETTER SUBMITTED ALONG
WITH THE TEMPORARY PERMIT APPLICATION DATED 3.6.2015**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No18653 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner is seeking a direction to respondents to consider his application for regular permit as well as temporary permit applications, for stage carriage bearing No.KL-13/H 6029.

2. The petitioner filed Ext.P1 application for the grant of a regular permit to operate service on the route Areekode - Mavoor - Kozhikode. This is a route length having a distance of 35 kms, out of which 7 kms is within the jurisdiction of Regional Transport Authority, Malappuram. According to the petitioner no concurrence or countersignature is required from any authorities. Along with the application the petitioner suggested a set of timings also for the operation of the service in compliance with the provisions. Pending grant of regular permit, petitioner submitted Ext.P2 application for grant of temporary permit. As per Rule 133(j) of the Kerala Motor Vehicles Rules the power to grant temporary permit is already delegated to the 2nd respondent for the prompt

and convenient dispatch of business. The 2nd respondent has not issued the temporary permit and thereby the travelling public is put to much inconvenience and hardship. There is total failure on the part of the respondents in performing their statutory duty; it is alleged. Hence this Writ Petition.

3. Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

4. The learned Government Pleader for the respondents submits that the application for permit has been submitted only on 18.05.2015.

The writ petition is disposed of, directing the respondents to consider the petitioner's application for temporary permit within a period of two weeks. To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

VS