

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. 18715 of 2015 (L)

PETITIONER(S):

**GEORGE, AGED 40 YEARS
S/O PAUL, KANJIRATHINGAL HOUSE, THAZHAKKAD P.O.
KOMBIDINJAMAKKAL, IRINJALAKUDA, PIN:680697.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680001.**

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. 18715 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER TO OPERATE ON THE ROUTE THIRUTHOOR-KRISHNAMKOTTA-IRINJALAKUDA IN REPSPECT OF OF STAGE CARRIATE KL-6/E.799.**
- EXHIBIT P2 : TRUE COPY OF THE JUDGMENT IN MVAA NO.33/15 DATED 7.2.2015.**
- EXHIBIT P3 : TRUE COPY OF THE TEMPORARY PERMIT DATED 28.10.2014.**
- EXHIBIT P4 : TRUE COPY OF THE JUDGMENT IN WPC NO.5837/15 DATED 27.2.2015.**
- EXHIBIT P5 : TRUE COPY OF THE TEMPORARY PERMIT DATED 11.3.2015.**
- EXHIBIT P6 : TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT FILED BY THE PETITIONER DATED 12.6.2015.**
- EXHIBIT P7 : TRUE COPY OF THE RECEIPT DATED 12.6.2015.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No.18715 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner has approached this Court for a direction to respondent to consider Ext.P6 application for re-issue of temporary permit.

2. The petitioner is the holder of a regular permit to operate on the route Thiruthoor - Krishnamkotta - Irinjalakuda in respect of stage carriage KL6/E.799, valid till 9.10.2016.

3. Since the vehicle covered by the permit namely KL6/E.799 was prone to frequent repairs, petitioner had applied for a clearance certificate keeping the permit under suspended animation. Petitioner had also moved this Court by filing W.P(C).No.6097/2014 and clearance certificate was directed to be issued with a condition to replace the vehicle within 4 months. However, the petitioner could not replace the vehicle within the stipulated time and hence he had moved this Court by filing I.A.No.8728/2014 which was allowed by this Court.

4. The petitioner had thereafter applied for replacement of stage carriage KL-6/E.799 by stage carriage KL-7/AJ.1765 and the same was rejected by the Regional Transport Authority, Thrissur. Petitioner had impugned the said order by filing appeal before the State Transport Appellate Tribunal as MVAA No.33/2015 and the same was allowed by Ext.P2 judgment directing reconsideration of the application for replacement. The replacement application is thus pending consideration pursuant to Ext.P2. Petitioner had submitted application for temporary permit to operate on the route with stage carriage KL-7/AJ.1765. However the said application was rejected and thereafter temporary permit was issued pursuant to orders passed by the State Transport Appellate Tribunal in MVAA No.195/2014. The said temporary permit was valid till 27.2.2015. When the said permit was about to expire petitioner had filed application for reissue of temporary permit and had approached this Court by filing W.P.(C).No.5837/2015 and this Court had by Ext.P4 directed reissue of temporary permit for 4

months and accordingly Ext.P5 temporary permit was issued and the same is valid till 27.6.2015.

5. Since replacement application has not been considered by the Regional Transport Authority Thrissur, petitioner, in order to continue operation submitted application for reissue of temporary permit evidenced by Ext.P6. The present writ petition is filed seeking a direction to the respondent to consider Ext.P6 application for reissue of temporary permit and issue the same to the petitioner in the light of Ext.P4 judgment of this Court so as to enable the petitioner to continue operation from 28.06.2015 onwards.

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

Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P6, within a period of one month from the date of receipt of a copy of this judgment.

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. The existing state of affairs regarding the operation on the basis of temporary permit shall continue till orders are passed in Ext.P6.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

VS