

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 19534 of 2015 (N)

PETITIONER :

**SLESHIN, W/O.SAJU,
NADUVILAPARAMBIL HOUSE, CHERANALLUR,
KOCHI.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM -686 002.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19534 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF EXISTING TEMPORARY PERMIT FOR THE PERIOD 10.3.2015
TO 9.7.2015 DATED 10.3.2015
- P2- TRUE COPY OF THE FOUR MONTHS TEMPORARY PERMIT APPLICATION
DATED 24.6.2015 WITH STAGE CARRIAGE KL 11/Q 529 IN PLACE OF
KL 36/116 ON THE ROUTE KAIPUZHAMUTTU PERUVA.
- P3- TRUE COPY OF THE CHELAN RECEIPT DATED 24.6.2015
- P4- TRUE COPY OF THE JUDGMENT DATED 17.12.2014 IN WPC NO.34193/2014

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19534 of 2015

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Dated this the 30th day of June, 2015

JUDGMENT

The petitioner has approached this Court alleging that the regular stage carriage permit on the route between Kaipuzhamuttu and Peruva was being operated with KL-36/116 and it seems that the permit holder abandoned the permit and that timing has become vacant. The petitioner further alleges that in that vacant timing, the petitioner was operating continuously on the strength of temporary permit with respect to the vehicle bearing No.KL 11/Q 529.

2. When the petitioner applied for a continuing with the permit, it was delayed and, therefore, he approached this Court with W.P(C) No.6231 of 2015 wherein it was ordered to pass orders and temporary permit was issued. Thereafter when that temporary permit was expiring, the issue of permit could be obtained only pursuant to the orders of this Court dated 2.3.2015 in the above writ petition

dated 2.3.2015. The petitioner points out that four months temporary permit issued expired on 9.7.2015.

3. The petitioner states that the route in question is an ill served route and the traveling public are put to difficulties. Therefore, the petitioner applied for re-issue of temporary permit to continue his service. However, Ext.P2 per application is not finalised. The petitioner points out that the non-operation of regular permit is a temporary need under Section 87(1)(c) of the Motor Vehicles Act as held by the Apex Court in AIR 1966 SC 156. However, the Secretary, RTA is of the opinion that he is unable to dispose it without orders from this Court. The petitioner further alleges that in the absence of regular permit, temporary permits were being operated all along by the petitioner. It is with this background, the petitioner has come up before this Court.

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

5. When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to consider Ext.P2 application for re-issue of temporary permit to continue his service.

Considering the nature of the submission, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 application submitted by the petitioner for re-issue of temporary permit in continuation of the temporary permit before 9.7.2015 which is the date of expiry of the present permit. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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