

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. 19572 of 2015 (V)

PETITIONER(S):

**M. BALAKRISHNAN,
S/O.MANI ELAYIDAM, MALIYEKAL HOUSE,
PERUMBAVOOR P.O., ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA- 686 661.**

BY GOVT. 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:**

rs.

WP(C).No. 19572 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:-

P1: TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT DATED 05.01.2015.

P2: TRUE COPY OF THE ROUTE ENQUIRY REPORT DATED 19.06.2015.

P3: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
DATED 23.06.2015 WITH CLASH FREE TIME SCHEDULE.

P4: TRUE COPY OF THE JUDGMENT DATED 09.04.2014 IN WP(C).NO.10614/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19572 of 2015

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Dated this the 30th day of June, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to issue temporary permit on Ext.P3 application so as to operate the stage carriage service pending disposal of Ext.P1 application for regular permit on the same route

2. The petitioner has filed an application for grant of regular permit on the route between Perumbavoor, Oonukal and Uppukulam and the same is pending consideration of the Regional Transport Authority, Muvattupuzha. The petitioner has sought for regular permit in the vacant timings of a defaulted service. Ext.P2 route enquiry report reads as follows:

“..... the applied route traverses through rural areas such as Uppukulam, Oonjappara, Kanjiriamkunnu, Nadukani & Perumannoor. There is a SC/ST colony at Kanjiraamkunnu in between

Oonjappaarra and Perumannoor... Hence the stage carriage service on the applied route is essential for the traveling public including students of the above mentioned areas.”

3. The petitioner alleges that since Regional Transport Authority (RTA) is yet to consider Ext.P1 application, the petitioner has filed a separate application for temporary permit on the very same route. Along with Ext.P3 application, he submitted a clash free time schedule so as to facilitate the immediate issue of the temporary permit pending final orders the application for regular permit by the RTA. The petitioner points out that the application can be sanctioned by the respondent herein in exercise of powers delegated to him under Rule 133 of the Kerala Motor Vehicles Rules, 1989.

4. The grievance of the petitioner is that the respondent is taking the stand that the application for temporary permit cannot be entertained since the application for regular permit is already pending before the RTA.

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

Considering the nature of the relief sought for and the submissions made, this writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 application in the light of Ext.P4 judgment 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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