

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 19583 of 2015 (W)

PETITIONER(S):

**MOHAMMED FAIZAL, AGED 39 YEARS,
EDAPARAMBIL HOUSE, MARUTHUR, PATTAMBI.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 19583 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE TEMPORARY PERMIT APPLICATION DATED
6.6.2015 WITH COVERING LETTER AND TIMINGS.**

EXHIBIT-P2: TRUE COPY OF THE FITNESS CERTIFICATE DATED 5.6.2014.

**EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN WP(C) NO.13608/2015 DATED
8.5.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19583 of 2015

Dated this the 7th day of July, 2015.

JUDGMENT

The petitioner is aggrieved by the non-consideration of his application for temporary permit under Section 87 (1) (c) of the Motor Vehicles Act.

2. The petitioner is the registered owner of a stage carriage vehicle KL-9 J 5299 and is an applicant for the grant of a temporary permit on the route between Pallippuram and Pattambi via Cherupulassery. The petitioner alleges that the route in question is intra district which exclusively lies within the jurisdiction of RTA, Palakkad having a route length of 43 kms. The route in question is not adequately served. The petitioner further alleges that there is a road portion of 2.5 kms from Ongallur to Maruthoor where in the road is fit for vehicular traffic and no single service is operating. The petitioner applied for temporary permit as per Section 87(1)(c) of the Motor Vehicles Act. However, the respondent has not

taken any action so far; it is alleged. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned counsel for the petitioner invited my application to Ext.P2 report by the Executive Engineer, PWD Division, Palakkad which states that the road portion between Ongallur and Maruthoor road via Pulasserikkara for a distance of 2.50 km is fit for state carriage operation under normal weather condition.

5. In the light of the above, this Court is of the view that a direction can be issued to the respondent to consider the petitioner's application for temporary permit and to grant the same, if it is otherwise in the order.

Therefore, the writ petition is disposed of directing the respondent to consider Ext.P1 application to grant temporary permit in the light of Ext.P2, if it is otherwise in the order, within a period of three weeks from the date of receipt of a

copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.