

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19975 of 2015 (V)

PETITIONER :

**KAJA HUSSAINUDHEEN,S/O.HAMZA HAJI,
PARAKKAL HOUSE, THRIKADEERI.P.O.,
OTTAPALAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.19975/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE TEMPORARY PERMIT VALID TILL 1/7/2015.**
- P2 COPY OF THE REGULAR PERMIT VALID TILL 8/9/2019.**
- P3 COPY OF THE APPLICATION FOR RE-ISSUE OF TEMPORARY PERMIT DATED 25/6/2015 WITH CHALAN.**
- P4 COPY OF THE JUDGMENT IN WP(C).NO.13608/2015 DATED 8/5/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19975 of 2015

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Dated this the 2nd day of July, 2015

JUDGMENT

The petitioner is seeking a direction to the respondent to dispose of Ext.P3 application for re-issue of substituted temporary permit.

2. The petitioner is operating on the basis of the temporary permit which is valid till 1.7.2015 in the place of stage carriage bearing No.KL-09 H 2070 which is covered by a valid regular permit on the route between Cherplassery and Ottappalam. The petitioner alleges that the said permit had been issued specifically stating that the petitioner would have to stop his service as and when ther regular service resumes service. According to the petitioner, the regular permit is valid till 8.9.2019 and the regular permit holder is yet to resume operation. Therefore, the petitioner preferred application for re-issue of temporary permit.

3. The petitioner further alleges that there is no legal impediment in re-issuing the temporary permit submitted under Section 87(1)(d) of the Motor Vehicles Act and the fact that the regular permit is valid till 8.9.2019 would show that there is necessity to have permit, subject to preferential claim of the basic permit holder. However, no orders were passed on the application for re-issue of the temporary permit. The grievance of the petitioner is that if the temporary permit is not re-issued, it would cause serious hardships to him as well as the traveling public. It is with this background, the petitioner come up with this writ petition.

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

5. When the matter was taken up, the learned counsel for the petitioner confined his argument to limited prayer for a direction to the respondent to consider and dispose of Ext.P3 application for re-issue of substituted permit.

Considering the nature of the submission, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 application submitted by the petitioner for re-issue of substituted temporary permit within a period of two weeks from the date of receipt of copy of this judgment. The issuance of temporary permit shall be subject to the preferential claim if any.

Till that the existing state of affairs regarding the operation of stage carriage on the basis of temporary permit shall continue.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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