

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 20306 of 2015 (K)

PETITIONER:

SARUN RAJ, OLIKKARA,
EDAVATTOM, VELLIMON P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM - 691 001.

*ADDL. R2 IMPEADED

2. BALACHANDRAN PILLAI, MOHANALAYAM,
ASHTAMUDY.P.O, KOLLAM - 691 602.

ADDL. R2 IS IMPEADED AS PER ORDER
DATED 21.7.2015 IN IA.10356/2015.

R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
ADDL. R2 BY ADV. SRI.P.DEEPAK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

WP(C).No. 20306 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P-1: TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE
 PETITIONER.
- EXT.P-2: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
 SUBMITTED BY THE PETITIONER WITH CHELAN.
- EXT.P-3: TRUE COPY OF THE JUDGEMENT RENDERED BY THIS HON'BLE
 COURT IN WPC NO.31314 OF 2014.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20306 of 2015

Dated this the 21st day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to consider Ext.P2 application for reissue of temporary permit for 20 days' duration, submitted by the petitioner for operating on the route between Vellimon and Bhana Madam, pending consideration of his application for regular permit.

2. The petitioner is presently operating on the basis of temporary permit, which would expire on 05.07.2015. He had already submitted Ext.P2 application for reissue of temporary permit for 20 days' duration on the said route. He produced Ext.P3 judgment, on the basis of which, earlier temporary permit was granted by the respondent. As no action has been taken on Ext.P2 application, the petitioner has approached this Court.

3. Subsequently, the additional 2nd respondent got himself impleaded. In the statement filed by him, it is

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stated that what was directed in WP(C) No.31314/2014 was only to issue a temporary permit to the petitioner as a provisional measure. A copy of the judgment is produced by the additional 2nd respondent also as Ext.R2(a). He further alleges that on the basis of Ext.R2(a), temporary permit was issued with the 'proposed timings' even without a prior settlement of timings. He further alleges that the application for regular permit has not been brought up for consideration till date for facilitating continued operation of the service on the strength of temporary permits. He has also produced the copy of objection filed by him before the 1st respondent as Ext.R2(b).

4. Arguments have been heard.

5. It is crucial to note that though averments are there in the writ petition, which would indicate that the petitioner's application for regular permit is pending consideration, the petitioner has not sought for a direction for an early disposal of his application for regular permit. This aspect justifies the allegation of the additional 2nd

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respondent that the petitioner is not interested in getting a regular permit, on the other hand, he is interested in continuing with a temporary permit.

Therefore, on a consideration of the entire materials now placed on record, this writ petition is disposed of directing the respondent to consider the petitioner's application for regular permit and to pass formal orders within a period of three weeks after affording the petitioner and the additional 2nd respondent an opportunity of being heard. Till that exercise is completed, the petitioner shall continue to operate on the basis of the temporary permit ordered to be issued to the petitioner on the basis of the interim order passed by this Court on 06.07.2015. The timings in respect of the temporary permit so issued to the petitioner, shall also be settled after hearing the petitioner and the additional 2nd respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-