

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

WP(C).No. 20793 of 2015 (Y)

PETITIONER:

MUHAMMED RAFI, S/O.SULAIMAN,
KOTTAKUZHICKAL HOUSE,
KIZHAKKUMPURAM,
MANNUR, PALAKKAD.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD.PIN 678 001.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|--------|---|
| EXT.P1 | TRUE COPY OF THE REGULAR PERMIT ISSUED TO STAGE CARRIAGE KL-09/AC 1225 ONT HE ROUTE WALAYAR-KOZHIKODE. |
| EXT.P2 | TRUE COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY,PALAKKAD GRANTING TRANSFER OF PERMIT DATED 10.12.2013. |
| EXT.P3 | TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DATED 20.06.2015. |
| EXT.P4 | TRUE COPY OF THE APPLICATION SUBMITTED BY THE PERMIT HOLDER BEFORE THE RESPONDENT ON 29.07.2015. |
| EXT.P5 | TRUE COPY OF THE ORDER NO. C3/9488/2015 DATED 30.07.2015 OF THE RESPONDENT. |

RESPONDENT(S)' EXHIBITS

- | | |
|----------------|---|
| ANNEXURE R1(a) | TRUE COPY OF INTERIM ORDER IN IA NO. 1311/2014 IN WA NO. 667/2014 DATED 23.12.2014. |
| ANNEXURE R1(b) | TRUE COPY OF THE JUDGMENT IN WP(C) NO. 11099/2015 DATED 06.04.2015. |

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 20793 OF 2015

Dated this the 17th day of September, 2015

JUDGMENT

The contentions of the petitioner are two fold and they are under:

(i) No time limit is prescribed for production of records under Rule 178 of the Kerala Motor Vehicles Rules dealing with the transfer of permit as held in WP (C) No. 11205/2008.

(ii) The petitioner is entitled to conduct ordinary Limited Stop service in the light of G.O.(MS) No. 45/2015/Tran. dated 20.08.2015.

2. The Government Pleader points out that Ext.P1 regular permit in favour of the petitioner had expired as early as on 01.03.2014. The petitioner did not also produce the current records within the time stipulated in Annexure R1(b) judgment in WP(C) No. 11099/2015. It is also the case that G.O.(MS) No.

WP(C) No. 20793/2015

45/2015/Tran. dated 20.08.2015 is much after which cannot be availed by the petitioner.

3. The petitioner on the other hand reiterates that his application for renewal of regular permit is even now pending. And that the benefit of G.O.(MS) No. 45/2015/Tran. could be extended even where the application for renewal stands rejected as per clause 2 thereof.

4. I do not want to delve deep into this aspect since the respondent has not yet taken a final decision in the matter. The respondent has by Ext.P5 order dated 30.07.2015 has merely opined that the request is not maintainable and need not be considered. I direct the respondent to consider the claim of the petitioner in the light of the contentions reflected above. The same shall be done within a period of three weeks from the date of receipt of a copy of this judgment. The petitioner shall be put on notice before final orders are passed on the application for permit.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**