

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 20898 of 2015 (J)

PETITIONER :

**C.V.SURESHAN,
VATHUSSERIL, T.V.PURAM, VAIKOM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM, REPRESENTED BY ITS SECRETARY, PIN-686 001**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM, PIN-686 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.20898/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE APPLICATION FOR CONDONATION OF DELAY IN PREFERRING
THE APPLICATION FOR RENEWAL SUBMITTED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT**
- P2 COPY OF THE TEMPORARY PERMIT APPLICATION SUBMITTED BY THE
PETITIONER BEFORE THE SECOND RESPONDENT**
- P3 COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER BEFORE
THE SECOND RESPONDENT**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20898 of 2015

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Dated this the 15th day of July, 2015

JUDGMENT

The petitioner has come up before this Court aggrieved by the non-issue of temporary permit under Section 87(1)(d) of the Motor Vehicles Act.

2. The petitioner is a stage carriage operator operating on the route between Kaipuzhamuttu and Palamkadavu. The basic permit was issued in respect of stage carriage bearing No.KL-5/K-6834 and the said permit expired in February, 2015. The petitioner alleges that as per Section 81, renewal application has to be submitted within 15 days prior to the expiry of the basic permit.

3. Here, the petitioner could not submit the application in time and, therefore, there is a delay. The petitioner points out that as per Section 81(3) there is power to condone the delay and pending consideration of the delay petition, temporary permit under Section

87(1)(d) of the Act along could be issued, as held by this Court; it is alleged. Therefore, the petitioner applied for temporary permit under Section 87(1)(d) in respect of the stage carriage bearing No.KL-5/W-4525. However, no action has been taken by the respondents on the application.

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

5. The learned Senior Government Pleader on instructions submitted that because of the delay, the matter could not be considered by the first respondent. It was also submitted that the petitioner has not produced the documents pertaining to the stage carriage for which the temporary permit was sought for.

Considering the facts and circumstances of the case, the writ petition is disposed of directing the respondents to consider the petitioner's application on production of the lease agreement pertaining to the petitioner's vehicle within one week from the date of

receipt of a copy of this judgment. In the event of production of the same, the application shall be considered and disposed of by the respondents granting temporary permit to the petitioner, if it is otherwise in order, within a period of one week thereafter.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj

The provision mentioned in paragraph 3 of the judgment dated 15/7/2015 in W.P(C) No.20898/2015 is corrected as "87(1)(C)" instead of "87(1)(D)" as per order dated 27/07/2015 in I.A 10631/2015.

sd/-

Registrar (Judicial)