

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C). No.21262 of 2015 (G)

PETITIONER(S):

**M.K. SANTHOSHKUMAR, AGED 48 YEARS,
PATTARUMADATHIL HOUSE, KUMARAMPUTHUR,
MANNARKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

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

BY GOVERNMENT PLEADER SMT. K. A. SANGEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

KRJ

WP(C). No.21262 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS:-

P1:- TRUE COPY OF THE REGULAR PERMIT DATED 6.3.99.

P2:- TRUE COPY OF THE RENEWAL APPLICATION DATED 17.2.2004.

P3:- TRUE COPY OF THE CHALAN DATED 21.2.2004.

P4:- TRUE COPY OF THE TEMPORARY PERMIT DATED 19.3.2015.

P5:- TRUE COPY OF THE APPLICATION FOR RE-ISSUE OF TEMPORARY PERMIT DATED 7.7.2015 WITH CHALAN.

P6:- TRUE COPY OF THE MLA'S LETTER DATED 3.3.2015.

REPOENDENT'S EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.21262 of 2015

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Dated this the 14th day of July, 2015

JUDGMENT

Aggrieved by the non-consideration of Ext.P5 application for re-issue of temporary permit which is valid upto 19.7.2015, the petitioner has come up before this Court.

2. The petitioner is the holder of Ext.P1 regular permit operating on the route Marayamangalam to Ottappalam. The petitioner alleges that application for renewal was submitted in time and is still pending. The petitioner further alleges that he has discontinued the operation for quite some time due to certain exigencies. However, for the last 19 months, he was continuously operating the stage carriage on the basis of the temporary permits being issued in the vacancy created by the non-renewal of the regular permit, the last of which is valid upto 19.7.2015.

3. The petitioner preferred an application (Ext.P5) for re-issue of temporary permit to continue his operation from 20.7.2015. The petitioner states that there is absolutely no legal impediment in re-issuing the temporary permit and there is emergent need due to the ensuing Ramzan. The grievance of the petitioner is that if the

existing permit is not re-issued, the vehicle would have to be grounded. The petitioner alleges that he has approached the respondent more than once. However, no reply was given as to why his application has not been processed. It is with this background, the petitioner has approached this Court.

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

5. When the matter came up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to consider Ext.P5 application for re-issue of temporary permit to continue the petitioner's service.

Considering the nature of the submission, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P5 application submitted by the petitioner for re-issue of temporary permit in continuation of the temporary permit before 19.7.2015 which is the date of expiry of the present permit. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment. The issuance of temporary permit shall be subject to the preferential claims, if any, of the basic permit holder.

The status quo of the operation of the stage carriage on the route, on the basis of the temporary permit, shall continue till a decision is taken on Ext.P5.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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