

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 22110 of 2015 (K)

PETITIONER(S):

**SHERLY GEORGE,
CHITTAPPANATTU HOUSE,
MUNDAKKAYAM.**

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI, PIN-685 602.**

BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE 4 MONTHS TEMPORARY PERMIT ISSUED TO THE PETITIONER ON THE ROUTE CHEMPAKAPPARA-CHANGANACHERRY ON 18/12/2014.
- EXT.P2 COPY OF THE TEMPORARY PERMIT ISSUED TO THE PETITIONER ON THE ROUTE CHEMPAKAPPARA-CHANGANACHERRY VALID UPTO 26/07/2015.
- EXT.P3 COPY OF THE 4 MONTHS TEMPORARY PERMIT APPLICATION SUBMITTED BY THE PETITIONER ON THE ROUTE CHEMPAKAPPARA-CHANGANACHERRY BEFORE THE RESPONDENT DATED 20/07/2015.
- EXT.P4 COPY OF THE COVERING LETTER SUBMITTED ALONG WITH THE APPLICATION BEFORE THE RESPONDENT DATED 20/07/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22110 of 2015

Dated this the 22nd day of July, 2015.

JUDGMENT

The petitioner is seeking direction to the respondent for re-issue of substitute temporary permit.

2. The petitioner alleges that KL-05/Q 7409 having a regular permit on the route between Chempakapapara and Changanacherry was valid upto 30.6.2013 and the renewal application of the permit holder is pending. Since the original permit holder has not obtained temporary permit under Section 87(1)(d) of the Motor Vehicles Act and the above service is in default, the petitioner is conducting operation by way of substituted temporary permit with effect from 18.12.2014. The petitioner further points out that since the existing temporary permit is valid upto 27.6.2015, the petitioner submitted application for re-issue of temporary permit as per Ext.P3. The re-issue sought for is in respect of a later model vehicle which would be more convenient for the operation of the service. The respondent is the authority to

grant re-issue of temporary permit by considering Ext.P3. If the permit is not granted before the expiry of the existing permit, the service would discontinue which would put the petitioner irreparable injury and inconvenience to the travelling public; it is alleged.

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

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 application, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. Till that exercise is completed, the petitioner shall continue to operate on the basis of the existing temporary permit.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE