

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 22190 of 2015 (W)

PETITIONER :

**MATHEW K.V.,
KUNNATHMEENKOLIL HOUSE, V.K.COLONY.P.O.,
THEVAKKAL, KOCHI-21.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM,PIN-682 030**

BY SR GOVERNMENT PLEADER SMT. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.22190/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE ROUTE KIZHAKKAMBALAM KOTTAYAM VALID UP TO 6/10/2014.**
- P2 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER SECTION 87(1)(D) OF THE MOTOR VEHICLES ACT ON THE ROUTE KIZHAKKAMBALAM KOTTAYAM DATED 24/1/2015**
- P3 COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C). NO.13161/2015 DATED 28/4/2015**
- P4 COPY OF THE ORDER OF THE RESPONDENT DATED 18/5/2015**
- P5 COPY OF THE LIST OF STOPS AND TIMINGS ALONG WITH THE COVERING LETTER SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DATED 25/5/2015**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

SHAJI P. CHALY, J.

W.P.(C) No.22190 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

This writ petition is filed by the petitioner challenging Ext.P4 order passed by the Respondent declining grant of temporary permit under the Motor Vehicles Act to a stage carriage on the ground that the stops are not proposed by the petitioner and also directing that the timings prescribed as per D3 circular will have to be abided by the petitioner. I am told that D3 circular is not implemented so far uniformly within the State.

2. Anyhow, after the passage of Ext.P4 order by the Respondent Authority, petitioner has produced Ext.P5 list of stops along with time sheet.

3. The learned Government Pleader, after getting instructions, submits that a decision can be taken by the Authority on Ext.P2 application on the basis of the list of stops and timings proposed by the petitioner.

4. Therefore, there will be a direction to the Respondent to take a decision on Ext.P2 application submitted by the petitioner taking into account Ext.P5 list of stops and timings proposed by the petitioner, within a period of two weeks from the date of receipt of a copy of this judgment.

5. The learned counsel for the petitioner also submits that if in the event of accepting the stops and timings suggested by the petitioner, there shall be a consequential order for grant of permit.

6. Therefore, there will be a direction to the Respondent that if and when the stops and timings proposed by the petitioner is accepted, permit will be granted in accordance with law, without further delay.

The writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-