

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 22452 of 2015 (F)

PETITIONER:

**VIKASJITH S, SUNDARA BHAVANAM,
KRISHNAPURAM, KAYAMKULAM,
ALAPPUZHA.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER,
ALAPPUZHA, PIN-688 001.**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
ALAPPUZHA,
REPRESENTED BY ITS SECRETARY - 688 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 22452 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE RENEWAL APPLICATION DATED 2.7.2015.
- P2- TRUE COPY OF THE CHELAN RECEIPT DATED 2.7.2015.
- P3- TRUE COPY OF THE DELAY CONDONATION PETITION DATED 2.7.2015.
- P4- TRUE COPY OF THE MEDICAL CERTIFICATE DATED 1.6.2015.
- P5- TRUE COPY OF THE TEMPORARY PERMIT APPLICATION ON THE ROUTE
KAYAMKULAM-CHENGANNUR WITH STAGE CARRIAGE KL3/5 3031.
- P6- TRUE COPY OF THE JUDGMENT DATED 24.5.2013 IN WPC NO.11246/2013.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22452 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner has approached this Court for a direction to the respondents to consider Ext.P5 request for granting four months' temporary permit under Section 87(1)(c), pending renewal of permit application.

2. The petitioner is a regular stage carriage permit holder in respect of the vehicle bearing Reg.No.KL 3/G3031, which was valid till 07.07.2015, on the route between Kayamkulam and Chengannur. The application for renewal has to be submitted 15 days prior to the expiry of the permit; and there is provision to condone the delay as per Section 81(4) of the Act, and if the renewal is granted, it has the validity from the date of original expiry of permit. The petitioner alleges that due to medical reasons, he could not submit the application in time and there was a delay of 13 days. The petitioner

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filed renewal application along with a delay condonation petition and medical certificate, which is pending consideration. According to the petitioner, there is temporary need under such circumstances under the provisions of Section 87(1)(d) or even under Section 87(1) (c) of the Motor Vehicles Act, enabling the grant of temporary permit, pending renewal of permit, a statutory right of the permit holder. According to the petitioner, pending renewal of permit, the respondents have to issue the temporary permit without any delay till the renewal of permit is allowed. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. Today, when the matter came up for hearing, the learned Government Pleader, on instructions, submitted that as there is delay in submitting the application, only the 2nd respondent can consider the request of the petitioner.

Therefore, the writ petition is disposed of directing

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the petitioner to approach the 2nd respondent with a fresh application along with the supporting documents for condonation of delay within a period of two weeks from the date of receipt of a copy of this judgment; and in the event of submitting such an application, the same shall be considered and disposed of after affording the petitioner an opportunity of being heard, within a period of one month thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-