

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22483 of 2015 (I)

PETITIONER(S):

**M. YUNAS, AGED 25 YEARS,
S/O.MAJEED, VENGATTU HOUSE,
KARIMBA P.O., MANNARKKAD,
PALAKKAD.**

BY ADV. SRI.M.JITHESH MENON.

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE EXTRACT OF THE AGENDA FOR THE MEETING OF THE
1ST RESPONDENT DATED 12/08/2014 RELATING TO ITEM NO.58.
- EXT.P2 TRUE EXTRACT OF THE DECISION TAKEN BY THE
1ST RESPONDENT IN ITEM NO.26 IN ITS MEETING
HELD ON 12/02/2015.
- EXT.P3 COPY OF THE LETTER SUBMITTED BY THE PETITIONER
DATED 26/04/2015.
- EXT.P4 COPY OF THE RELEVATN PAGES OF THE REGISTRATION
CERTIFICATE OF THE VEHICLE KL-2/M-9239.
- EXT.P5 COPY OF THE APPLICATION FOR TEMPORARY PERMIT
SUBMITTED BY THE PETITIONER DATED 08/07/2015.
- EXT.P6 COPY OF THE COVERING LETTER DATED 08/07/2015.
- EXT.P7 COPY OF THE RECEIPT DATED 08/07/2015.
- EXT.P8 COPY OF THE REQUEST SUBMITTED BY THE PRESIDENT
OF THE KARIMBA GRAMA PANCHAYAT DATED 09/07/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22483 of 2015

Dated this the 27th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to consider his application for temporary permit.

2. The petitioner had applied for a regular permit to operate on the route between Keerippara and Cherplassery. The said application was allowed by the RTA, Palakkad and the regular permit was granted subject to settlement of timings and production of current records of a suitable vehicle. The petitioner alleges that he had purchased a vehicle bearing registration No.KL-2/M-9239. However, since, some time was required for transfer of ownership to his name, he had submitted request for grant of maximum time for production of current records of the vehicle under Rule 159 (2) of the Kerala Motor Vehicles Rules. The said request was finally considered by the RTA, Palakkad on 20.7.2015 and orders are awaited. Since there was delay in the consideration of the request for

grant of maximum time due to meeting of the RTA, being adjourned from time to time, the petitioner had also submitted an application for temporary permit to operate on the same route. This application was submitted in view of the fact that the route through which the application was submitted is one where in the travelling public are suffering from want of services. The President of the local panchayath had also submitted a request before the respondent for grant of temporary permit on the said route so that the travelling public would be benefited. However, in spite of the regular permit have been granted already on the same route and even though there is no other legal impediment, the respondent has not considered Ext.P5 application for temporary permit till date. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Senior 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.P5 application for temporary permit, after affording the petitioner and the affected parties, an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.