

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C) .No. 22870 of 2015 (G)

PETITIONER(S) :

SHAGIN,
HOUSE NO.1/153, NARKULANGARA,
PERUMPADANNA,
NORTH PARUR,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S) :

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682030.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: A TRUE COPY OF APPLICATION FOR REGULAR PERMIT FILED ON
19.3.2015.

EXHIBIT P2: A TRUE COPY OF APPLICATION FOR TEMPORARY PERMIT WITH THE
PROPOSED SET OF TIMINGS ON 19.6.2015.

EXHIBIT P3: A TRUE COPY OF THE JUDGMENT DATED 9.4.2014 IN WPC 10614 OF 2014.

RESPONDENT (S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A. TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22870 of 2015

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to issue temporary permit to operate the stage carriage service pending disposal of Ext.P1 application for regular permit.

2. The petitioner, who is a stage carriage operator, submitted Ext.P1 application for the grant of a regular permit to conduct service on the route between North Paravur and Vyttila. On the very same day, he submitted Ext.P2 application for the grant of a temporary permit on the very same route along with a proposed set of timings. Ext.P2 application for temporary permit was submitted apprehending that there would be delay in the consideration of Ext.P1 application for regular permit since the same has to be considered by the RTA, Ernakulam whereas the former application can be sanctioned by the respondent on the strength of power delegated to him under Rule 133 of the Kerala Motor Vehicles Rules, 1989. A regular meeting of the RTA, Ernakulam is scheduled to be held on 06.08.2015. The petitioner alleges

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that it is reliably learned that Ext.P1 application would be boarded up for consideration in the said meeting. Nevertheless, a decision on the said application cannot be expected any time soon since it is invariable practice of the RTA to hear the matter and reserve order; according to the petitioner. Hence, this writ petition.

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

Considering the nature of the submission and the nature of the relief prayed for, the writ petition is disposed of directing the respondent to consider and pass positive orders granting temporary permit in the light of Ext.P3 judgment 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 this judgment as well as a copy of this writ petition along with a copy of Ext.P3 judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-