

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C) .No. 23124 of 2015 (M)

PETITIONER(S) :

MUHAMMED RAFEEQ.A.K, AGED 32 YEARS
S/O. YOUSUF, AYAMKURUSSE HOUSE, KODATHI PADI
MANNARKKAD, PALAKKAD, REPRESENTED BY THE POWER OF ATTORNEY
HOLDER SRI C.S MUHAMMED ASLAM, AGED 32 YEARS, S/O. SULAIMAN,
CHENKUTHANATHU HOUSE, KARIMBA P.O, MANNARKKAD, PALAKKAD

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S) :

1. THE REGIONAL TRANSPORT AUTHORITY
PALAKKAD PIN 678 001, REPRESENTED BY ITS SECRETARY
2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, PALAKKAD PIN 678 001

* ADDL.R3 THE KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR, THIRUVANANTHAPURAM.

* ADDL.R3 IS SUO MOTU IMPEADED AS PER ORDER DATED
7.8.2015.

R BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 23124 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PERMIT IN RESPECT OF THE STAGE CARRIAGE
BEARING REGISTRATION NO KL-50/B-8682

EXHIBIT P2 TRUE COPY OF THE APPLICATION FOR RENEWAL OF REGULAR PERMIT
DATED 06-05-2013

EXHIBIT P3 TRUE COPY OF THE APPLICATION FOR VARIATION OF THE
CONDITIONS OF THE PERMIT SUBMITTED BY THE PETITIONER DATED 26-03-
2015

EXHIBIT P4 TRUE COPY OF THE TEMPORARY PERMIT DATED 19-06-2015

EXHIBIT P5 TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23124 of 2015

Dated this the 11th day of August, 2015.

JUDGMENT

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

2. The petitioner alleges that the application for renewal of regular permit and for the variation of the conditions of the permit submitted by him as evidenced from Exts.P2 and P3 are pending consideration before the respondents. The petitioner now submitted an application for issue of temporary permit on the modified route between Palakkad and Kozhikode by avoiding the provision from Palakkad to Kanjikkode. Instead of avoiding any confusion, the petitioner requested to issue the temporary permit as limited stop ordinary service. Ext.P5 is the application for temporary permit. The second respondent is not issuing the temporary permit and hence the petitioner is constrained to garage his vehicle. Therefore, appropriate direction to the

second respondent to issue temporary permit as applied for by the petitioner is highly essential; it is alleged. It is with this background, the petitioner has come up before this Court.

3. The Kerala State Road Transport Corporation was suo motu impleaded as additional third respondent.

4. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondent corporation and the learned Government Pleader in the matter.

5. The learned counsel for the petitioner submitted that in Ext.P5, the petitioner limited the route as Palakkad - Kozhikode for avoiding the portion from Palakkad to Kanjikode and so that the route would be within 140 kilometre and it would be a limited stop ordinary service.

Considering the entire circumstances, the writ petition is disposed of directing the second respondent to consider the petitioner's application within a period of two weeks from the date of receipt of a copy of this judgment, after affording the petitioner and the third respondent KSRTC an opportunity of

being heard. If the third respondent does not appear on the date of hearing, it shall be open to the second respondent to proceed with the application submitted by the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.