

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23224 of 2015 (C)

PETITIONER :

**SARUN RAJ, AGED 29 YEARS,
OLIKKARA, EDAVATTOM, VELLIMON P.O.,
KOLLAM DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, KOLLAM-691001.**

BY GOVERNMENT PLEADER SRI. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE PETITIONER.

EXHIBIT P2: TRUE COPY OF THE JUDGMENT DATED 24.11.2014 IN WPC 31314/2014.

EXHIBIT P3: COPY OF THE JUDGMENT IN WPC NO.17367 OF 2015 PASSED BY THIS HON'BLE COURT.

EXHIBIT P4: COPY OF THE ORDER PASSED IN WPC 20306/2015 DATED 6.7.2018.

EXHIBIT P5: COPY OF THE PROCEEDINGS DATED 13.7.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23224 of 2015

Dated this the 7th day of August, 2015.

JUDGMENT

Aggrieved by the non-issue of temporary permit by the respondent, the petitioner has come up before this Court.

2. The petitioner alleges that he has already submitted application for regular permit on the route between Vellimon and Bhajana Madom, which is pending. The petitioner was operating on the route on the basis of Ext.P1 temporary permit. The respondent without taking note of the directions of this Court, rejected the application for temporary permit on the ground that there is no temporary need. The petitioner alleges that Ext.P6 proceeding rejecting the application of the petitioner is illegal and the same is liable to be set aside. The petitioner alleges that he was operating on the route on the basis of Ext.P1 permit. The facility enjoyed by the travelling public has been curtailed by issuing Ext.P6 order. In short, the paramount consideration should be the benefit of the travelling

public and the respondent failed to consider this aspect and therefore Ext.P6 is bad; it is alleged. The petitioner further alleges that the temporary need co-existent with regular need and therefore the respondent is bound to issue the temporary permit. Apart from the above, the route does not objectionably overlap the notified route and therefore there is no legal impediment in granting temporary permit also. In short, there is no justification for non-issue of temporary permit as sought by the petitioner; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Senior Government Pleader on instructions submitted that there is an application for regular permit and that is the reason for rejecting the petitioner's application.

5. However, on a specific query put by me as to whether the said application has been considered, the learned Senior Government Pleader answered in the negative.

Therefore, the writ petition is disposed of directing the respondent to issue temporary permit to the petitioner till a final decision is taken by the respondent on the application for regular permit.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.