

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23744 of 2015 (P)

PETITIONER :

**EBI V.A.,VADASSERY HOUSE,
OLANAD, VARAPPUZHA.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, PIN: 682 030.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 23744 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RESOLUTION PASSED BY THE KADAMAKUDY GRAMA PANCHAYATH DATED 15/7/2015
- P2: TRUE COPY OF THE LETTER OF THE PCINCIPAL, GOVERNMENT HIGHER SECONDARY SCHOOL, KADAMAKUDY DATED 24/2/2015
- P3: TRUE COPY OF THE 4TH MONTHS TEMPORARY PERMIT APPLICATION SUBMITTED BY THE PETITIONER ON THE ROUTE KONGORPPILLY- KADAMAKUDY- VYTTLA HUB-AMRUTHA HOSPITAL DATED 29/7/2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23744 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to grant temporary permit to the petitioner's stage carriage.

2. The petitioner alleges that he submitted application for regular permit on the route between Kongorppilly and Kadamakudy - Vyttila Hub via Amrutha Hospital. The petitioner alleges that after necessary enquiry through the field officers, the RTA, Ernakulam considered the application in its meeting held on 26.5.2015 and the same has been adjourned to the next RTA meeting. In this context, it is pertinent to note that the place called Kadamakudy is an isolated place from where there are no sufficient services to the requirements of the students. The petitioner further alleges that though there is a Government Higher Secondary School, due to the lack of travelling facility students are not joining this school. Kadamakudy Grama Panchayath have passed a resolution

requesting the respondent to provide a stage carriage at least in the morning and evening time taking into consideration the school time. In view of the urgent requirement of the operation of the service on this route which co-exist with regular need petitioner submitted Ext.P3 application for grant of 4 months temporary permit enabling to operate on the above said route. Though the petitioner filed Ext.P3 application for temporary permit, the respondent has not so far granted though the power is vested with him under Rule 133(i) of the Kerala Motor Vehicles Rules. There is failure on the part of the respondent in performing his statutory duty; it is alleged. 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 reliefs and the nature of the submissions, the writ petition is disposed of directing the respondent to accept Ext.P3 application for temporary permit,

after affording the petitioner 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.