

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23774 of 2015 (V)

PETITIONER :

**MURALEEDHARAN K.M.,
S/O. APPA K.M., AGED 53 YEARS
KUNNATH HOUSE, PERINTHALMANNA P.O.
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY
MALAPPURAM, MALAPPURAM P.O.
REPRESENTED BY ITS SECRETARY - 673505.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER
SUB REGIONAL TRANSPORT OFFICE, PERINTHALMANNA
MALAPPURAM DISTRICT - 673 322.**

R1 & R2 BY GOVT. PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 23774 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1 - TRUE COPY OF THE CONTRACT CARRIAGE PERMIT OF THE
AUTORIKSHAW BEARING REGISTER NUMBER KL-53-B-5754.**

**EXT. P2 - TRUE COPY OF THE APPLICATION FOR VARIATION OF THE CONDITION
OF PERMIT BEFORE THE RESPONDENT ON 15.6.2015.**

EXT. P3 - TRUE COPY OF THE CERTIFICATE DT. 05.05.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23774 of 2015

Dated this the 13th day of August, 2015.

JUDGMENT

The petitioner has approached this court for a direction to the first respondent to allow Ext.P2 application within a reasonable time.

2. The petitioner is having an autorickshaw bearing registration No.KL-53-B-5754 with contract carriage permit, which was purchased under the Self Employment Scheme. The petitioner alleges that the halting place of the above said autorikshaw as per Ext.P1 permit is at Angadippuram, which is at the boarder of the Perinthalmanna Municipality. The petitioner has submitted application for variation of the condition of permit before the respondent on 15.6.2015. The petitioner is residing in the limits of the Perinthalmanna Municipality. The councilor of the Ward No.1 of Perinthalmanna Municipality has certified that the petitioner is permanently residing in Ward No.1 and known the petitioner

personally. The petitioner further alleges that now the second respondent has informed the petitioner that the first respondent has passed a decision No.68 dated 21.10.2004 imposing a restriction regarding the limits within which the vehicle has to be halted. The petitioner alleges that the second respondent has not considered the application filed by the petitioner. It is further pointed out that the stand taken by the second respondent is unsustainable.

3. Arguments have been heard.

4. The petitioners are residents of Perunthalmanna Municipality. The autorickshaws purchased by him under the Self Employment Scheme. While granting permit, the first respondent has to be guided by Section 74 of the Motor Vehicles Act. This Court in **Rajesh v. Secretary, RTA [2014 (3) KLT 341]** has held that the Regional Transport Authority cannot make a general order that only a certain number of permits would be granted in an area. The mere existence of a number of permits and the decision by the Regional Transport Authority or a higher authority to restrict the grant based on

numbers alone would fall foul, since such limits could be prescribed only by the State Government under a notification. So found this Court in the aforesaid decision.

In the result, the writ petition is allowed. The first respondent is directed to consider Ext.P2 and such other applications submitted by the petitioner seeking permission to park within the local limits of Perunthalmanna Municipality. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.