

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. 23971 of 2015 (V)

PETITIONER:

**NALINI, W/O.T.N.GIRI,
THATTIL HOUSE, NATTIKA,
THRISSUR.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

- 1. REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 002.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 002.**

BY GOVERNMENT 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:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. A TRUE COPY OF THE JUDGMENT DATED 1.1.13 IN WPC 30793 OF 2012.
- EXHIBIT P2. A TRUE COPY OF THE JUDGMENT DATED 4.5.15 IN MVAA NO.122 OF 2013.
- EXHIBIT P3. A TRUE COPY OF THE APPLICATION FOR RENEWAL OF PERMIT FILED ON 4.8.205 FOR THE PERIOD FROM 2014 TO 2019 WITH COVERING LETTER.
- EXHIBIT P4. A TRUE COPY OF THE APPLICATION FOR REPLACEMENT OF VEHICLE OFFERING KL-11/Q 6837 FOR REPLACEMENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23971 of 2015

Dated this the 13th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the first respondent to consider and pass appropriate orders on Ext.P3 for renewal of permit and Ext.P4 application for replacement of vehicle in the light of the directions contained in Ext.P2 judgment of the STAT.

2. The petitioner holds a regular permit to conduct stage carriage service on the route Kodungallur - Guruvayoor. The regular permit was valid till 6.10.2004. The application for renewing the permit for a further period of five years from 2004 to 2009 was kept pending by the first respondent for more than five years on the reasoning that there is tax arrears. This constrained the petitioner to file a second application for renewal of permit for renewing the permit for a further period of five years from 2009 to 2014. By Ext.P1

judgment, this Court directed the first respondent to consider both applications simultaneously in the next meeting itself. The petitioner further alleges that the first respondent passed an order rejecting both applications. By Ext.P2 judgment, the STAT directed the first respondent to grant the renewal of permit as sought for by the petitioner. Ext.P2 judgment only endorses the entitlement of the petitioner to get the permit renewed from 2004 to 2014, ie, for two consecutive terms. It was in that context that the petitioner filed yet another application seeking renewal of permit for a further period of 5 years from 2014 to 2009. Along with Ext.P3 application for renewal, petitioner also submitted Ext.P4 application for replacement offering a later model vehicle for availing the renewed permit. 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 Government Pleader in the matter.

4. The learned senior government pleader on

instructions submitted that though an opportunity was provided to the petitioner to appear before the RTA, he did not turn up.

However, taking into account the materials now placed on record, the writ petition is disposed of directing the second respondent to consider Exts.P3 and P4 in the next meeting in the light of Exts.P1 and P2 judgments of the STAT.

**Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE**

Scl.