

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25333 of 2015 (N)

PETITIONER(S):

**SEEMA G.MENON, KARUTHEDATH HOUSE,
THIRUVANKULAM, ERNAKULAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. REGIONAL TRANSPORT AUTHORITY, KANNUR-670001.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KANNUR-670001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER**
- P2: COPY OF THE JUDGMENT IN WPC.26811/14 DATED 24/10/14**
- P3: COPY OF THE PROCEEDINGS DATED 11/2/15**
- P4: COPY OF THE JUDGMENT IN WPC.11372/15 DATED 9/4/15**
- P5: COPY OF THE PROCEEDINGS DATED 7/5/15**
- P6: COPY OF THE INVOICE DATED 30/7/15**
- P7: COPY OF THE CERTIFICATE DATED 8/8/15**
- P8: COPY OF THE TEMPORARY REGISTRATION DATED 30/7/15**
- P9: COPY OF THE REQUEST DATED 10/8/15**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25333 2015

Dated this the 19th day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to consider Ext.P9 request.

2. The petitioner alleges that the permit on the route between Kozhikode and Payyannur, which belongs to one Nishanth is valid till 06.10.2016 in respect to stage carriage bearing Reg.No.KL-13 Q 3507 and the basic permit holder got clearance in respect of the basic vehicle and he was supposed to replace the vehicle on or before 18.07.2014. In the meantime, there was an agreement to transfer the permit within the provided time and the petitioner approached this Court seeking consideration of the joint application for transfer, which was submitted on 05.05.2014. The learned Government Pleader, on instructions, submitted that the joint application would be placed before the next meeting. It is evident that the RTA

meetings were not frequently conducted; and this Court, taking note of the fact that the application submitted was not duly prosecuted, directed that if no meeting is convened within one month, decision would be taken on the application for transfer by circulation of papers and the petitioner would be given two months' time from the date of allowing the transfer application for production of current records, failing which grant of permit would stand revoked. As the directions of this Court were not followed, CO(C) No.538/2015 was instituted; and while the said contempt proceedings were issued, an order was passed by the RTA on 11.02.2015, whereby the transfer application was rejected. The rejection was done on the ground that the permit would stand revoked on non production of vehicle within time. This Court, in WP(C) No.11372/2015, found that the order passed by the authority was wrong and is against the letter and spirit of the judgment. The petitioner alleges that it was mentioned before this Court that the order was passed on

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mistaken impression and the order would be withdrawn and thereafter new proceedings would be issued within a period of one month either in a properly convened meeting or by circulation. However, no order was passed in spite of the undertaking. The matter was placed before the RTA only on 07.05.2015 and orders granting transfer was passed, which was signed for communication on 27.06.2015. It is stated therein that if the vehicle is not produced within 60 days, the permit would be revoked. As per the said proceedings, time is to expire on 26.08.2015. The petitioner had already purchased a new vehicle. The body building was not completed due to heavy monsoon. According to the petitioner, the delay in providing the vehicle happened because, the bank had given loan only in the permit holder's name. The transfer of permit application was granted by placing it in the RTA meeting held on 07.05.2015; and the same was communicated only after 27.06.2015. Then only, the petitioner procured the chassis and engaged for body

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building; it is alleged. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned senior Government Pleader.

Considering the nature of the relief and the nature of the submissions, the writ petition is disposed of directing the 2nd respondent to consider and pass positive orders on Ext.P9 within a period of one week from the date of receipt of a copy of this judgment. The petitioner undertakes that the records of the new vehicle would be produced on 20.09.2015 and the endorsement shall be made on such production of documents.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-