

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25696 of 2015 (J)

PETITIONER(S):

**M.GANGADHARAN,
S/O.KUNHIRAMAN, ROSHNI HOUSE, SOUTH BAZAR,
CIVIL STATION P.O., KAKKAD ROAD, KANNUR - 670 002.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KANNUR - 670 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25696 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE PERMIT ISSUED ON 20.12.2014.

EXHIBIT P2. COPY OF THE APPLICATION FOR VARIATION OF PERMIT WITH CHALLAN.

EXHIBIT P3. COPY OF THE APPLICATION FOR TEMPORARY PERMIT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25696 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondent to consider Ext.P3 application for temporary permit submitted by the petitioner.

2. The petitioner is an existing operator on the route between Cheemeni and Kozhikode and the permit was valid till 30.12.2014. The petitioner alleges that he had already submitted application for renewal, which is pending; and since the concurrence is not obtained, the application for renewal is not ripe for consideration. During the pendency of the application for renewal, the Secretary, RTA issued temporary permit to the petitioner, which was valid till 30.04.2015. The petitioner applied for clearance certificate keeping the permit under suspended animation and the same was granted pursuant to the judgment in WP(C) No.4045/2015. Thereafter, the

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petitioner purchased a later model vehicle bearing Reg.No.KL 13 AF/79 and applied for replacement. The original permit of the petitioner is a super fast service and as per the present position, higher class of services can only be operated by KSRTC. In the above circumstances, the petitioner applied for operation as LSOS, which, according to the petitioner, is a permissible exercise. Recently, the government has taken a decision to renew higher class of services as LSOS without curtailing the route length. Hence, the application submitted by the petitioner for replacement has to be considered by the respondent in the proper perspective and the Secretary, RTA be directed to issue temporary permit to the petitioner on the route in question as LSOS. Aggrieved by the non consideration of the application for replacement and the non issue of temporary permit, the petitioner has approached this Court.

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

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Considering the nature of the prayer, the writ petition is disposed of directing the respondent to consider Ext.P3 application for temporary permit to operate as LSOS and pass positive orders on the same after affording the petitioner and the KSRTC an opportunity of being heard within a period of one week from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-