

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. 25740 of 2015 (N)

PETITIONER :

**SABU, S/O.OUSEPH,
ATTOKKARAN HOUSE, PALAYAMPARAMBU,
THRISSUR.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR-680 001**

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:**

sts

WP(C).NO.25740/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PROCEEDINGS OF THE RTA GRANTED REGULAR PERMIT WITHITS NO.G/246444/2014 DATED 12/3/2015 IN ITEM NO.10, OPERATING ON THE ROUTE THIRUTHA- KODUNGALLUR- MALA- CHALAKUDY- KORATTY- VELLANGALLUR.**
- P2 COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT DATED 19/5/2015**
- P3 COPY OF THE NEWS PAPER REPORT IN MATHRUBHUMI DAILY NEWS DATED 6/10/2014.**
- P4 COPY OF THE JUDGMENT DATED 30/6/2015 IN WP(C).NO.19543/2015**
- P5 COPY OF THE TIME HEARING NOTICE DATED 1/8/2015**
- P6 COPY OF THE PROPOSED CLASH FREE TIMING**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.25740 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 issue temporary permit for four months on the route Thirutha-Kodungallur-Mala-Chalakudy-Koratty-Vellangallur for vehicle KL 8/T 4397 or other suitable vehicle with Ext.P6 proposed timing provisionally till the granted regular permit is issued.

2.The petitioner was granted with a regular stage carriage permit on the route Thirutha-Kodungallur-Mala-Chalakudy-Koratty-Vellangallur for vehicle KL 8/T 4397. However the said permit is not implemented so far. There is a mass petition requesting for immediate issue of permit including that of a local MLA in this regard. The President of Kuzhoor grama panchayat also requested for issue of permit and the President of Poyya grama panchayat too requested for issue of permit. It also has come in the media

that the public are suffering for want of this service. When it was found that the granted permit has not issued, the petitioner filed a writ petition for implementing Ext.P1 proceeding and this Court ordered to issue the granted regular permit with a settled timing within one month. Though Ext.P4 judgement was produced before respondent and the time period allowed is over, the Secretary, RTA, has not settled the timing and though a timing conference proposed on 19.8.2014, the same was adjourned and the Secretary, RTA, has gone on transfer to Muvattupuzha. The charge was given to the Joint Regional Transport Officer but he is not conducting the timing conference. This Court ordered to issue the granted permit with a settled timing but there is no settlement of timing. A tax paid vehicle is kept idle. It is also submitted by the petitioner that the vehicle tax paid be ordered to be paid by the Secretary, RTA, as there is lapse on his part. It is submitted that the petitioner has produced a clash free proposed time and the permit

could be issued with that proposed timing with liberty to settle the timing objections if any received, later, after issue of permit since Ext.P1 permit granting proceeding even do not contain the timing objections of any of the operators ; it is submitted. It is with this backdrop, the petitioner has approached this Court.

3. I have heard the learned counsel for the petitioner, the learned standing counsel and the learned Government Pleader in the matter.

Considering the nature of reliefs sought for and the submissions made, this writ petition is disposed of, (a) directing the respondent to consider and pass positive orders on Ext.P2 request within a period of one month of receipt of copy of this judgment, after affording the petitioner as well as the affected parties, if any, an opportunity of being heard, (b) the respondent shall issue temporary permit in the light of the forthcoming Onam season, if the application is otherwise in order within one

week thereafter.

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

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge