

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. 25783 of 2015 (W)

PETITIONER :

**M.SAHADDEVAN
S/O. MADHAVAN (LATE)
KOTTAPPURA HOUSE
KADAMPIDI, CHITTILANCHERY P.O.,
PALAKKAD.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, PIN – 678 001.**

BY GOVT. 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:**

Mn

...2/-

WP(C).No. 25783 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE REGULAR PERMIT OF THE PETITIONER DATED
9-6-1992.

EXT.P2 COPY OF THE LEASE DEED DATED 27-7-2015.

EXT.P3 COPY OF THE REGISTRATION CERTIFICATE.

EXT.P4 COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED
29-7-2015.

EXT.P5 COPY OF RECEIPT DATED 29-7-2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.25783 of 2015

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Dated this the 21st day of August, 2015

JUDGMENT

The petitioner is seeking a direction to consider Ext.P4 application submitted by him for temporary permit pending consideration of renewal application.

2. The petitioner was an existing operator on the route between Puthukode and Palakkad on the strength of Ext.P1 regular permit. The petitioner alleges that he could not continue the operation on the aforesaid route since the vehicle covered by the permit had become very old and his financial condition did not permit him to replace the vehicle with a later model vehicle. However, as a result of the same, there occurred default in the operation, giving rise to a vacancy.

3. The petitioner further alleges that the students going to S.N College are finding it difficult to go to the college due to the scarcity of services on the said route. Therefore, the petitioner had taken a vehicle bearing Reg. No.KL-9/J.4498 on lease and had applied for a temporary permit by submitting Ext.P4 application. The said application was submitted in view of the urgent temporary need

under Section 87(1)(c) of the Motor Vehicles Act, in view of the default of operation of the original route bus and also in view of the ensuing Onam festival. However, the application was not considered by the respondent till date. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader in the matter.

Considering the nature of the relief sought for and the submissions made, this writ petition is disposed of directing the respondent to consider and pass positive orders on Ext.P4 application submitted by the petitioner and grant permit if the same is otherwise in order, after affording him and affected parties an opportunity of being heard, within a period of one week from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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