

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, 1937H

WP(C).No. 26006 of 2015 (A)

PETITIONER :

**SHAMEER BABU,
KAITHERI HOUSE, THORURKAD.P.O.,
AGADIPURAM, PERINTHALMANNA.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD-678 001**

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.26006/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER.**
- P2 COPY OF THE TEMPORARY PERMIT APPLICATION DATED 18/08/2015 WITH
COVERING LETTER.**
- P3 COPY OF THE ORDER IN WP(C).NO.25471/2015 DATED 19/8/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 26006 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is aggrieved by the non consideration of the application for reissue of temporary permit.

2. The petitioner is the registered owner of a stage carriage bearing Reg.No.KL-53 C 9001 covered by permit on the route between Wayalar and Kozhikode valid till 15.01.2013. The application for renewal though as per Section 81 of the Act submitted 15 days prior to the expiry of the permit, it is not processed with; it is alleged. In the interregnum, the petitioner had applied for temporary permit in his own vacancy and this Court directed issue of temporary permit. Accordingly, the petitioner is an existing operator and the last of the temporary permits was valid till 21.03.2015. Now, since there is a ban for issuing permit as fast passenger, he had applied for temporary permit on the restricted route

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between Palakkad and Kozhikode, whereby the route length come down to 140 km. The petitioner is seeking temporary permit for the time being to operate pending consideration of his renewal application. The petitioner points out that there is emergent temporary need in the light of ensuing Onam festival and also due to the fact that the regular service is not in operation. As the respondent has not considered the application for reissue 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.

4. The learned senior Government Pleader, on instructions, submitted that as the route is covered as per SRO No.608/2009, the KSRTC also be given an opportunity of being heard.

5. In answer to the said submission, the learned counsel for the petitioner invited my attention to GO(MS) No.45/2015/Tran. dated 20.08.2015, wherein it is

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observed as under;

“7. The Regional Transport Authorities will issue Ordinary Limited Stop Service permits to all the existing higher class services operated by the private operators in the routes covered under SRO No.608/09. But those permits which are being operated as ordinary service and ordinary limited stop service shall be allowed to continue as such in the above routes.”

In the light of the above, there shall be a direction to the respondent to consider Ext.P2 and issue positive orders issuing temporary permit in the light of Clause (7) in the GO referred to above within a period of two weeks from the date of receipt of a copy of this judgment if there is no legal impediment. The petitioner is also permitted to operate on the basis of the existing permit till final orders are passed on Ext.P2.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-