

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF OCTOBER 2014/18TH ASWINA, 1936

WP(C).No. 26229 of 2014 (C)

PETITIONER:

**MOHAN RAJ,
S/O APPUKUTTAN, 16/443F, KANNACHATH HOUSE
MANJERI MUNICIPALITY, MALAPPURAM.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE-673620.**
- 2. THE REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, MALAPPURAM-676505.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-10-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE CERTIFICATE OF REGISTRATION OF STAGE
CARRIAGE NO.KL 13/H 1441
- EXT.P2 : COPY OF THE PERMIT LESS CERTIFICATE IN RESPECT OF THE
STAGE CARRIAGE DATED 20.9.2014 ISSUED BY THE 2ND
RESPONDENT
- EXT.P3 : COPY OF THE APPLICATION FOR TEMPORARY PERMIT SENT BY
THE PETITIONER DATED 25.9.2014
- EXT.P4 : COPY OF THE APPLICATION SENT BY THE PETITIONER TO THE
1ST RESPONDENT DATED 29.09.2014
- EXT.P5 : COPY OF THE ORDER DATED 30.09.2014 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE

iap

K. VINOD CHANDRAN, J

W.P(C) No. 26229 of 2014 C

Dated this the 10th day of October, 2014

J U D G M E N T

The petitioner is the owner of a stage carriage, bearing Registration No.KL-13/H 1441. On coming to know that there is a vacancy in the route Puthiyappa-Medical College, on account of non-renewal of a regular stage carriage, which permit had expired on 07.01.2012, the petitioner submitted Ext.P3 application for temporary permit for a period of four months. It is the contention that since the authority has not taken any decision on Ext,P3, the petitioner filed another application for temporary permit for 20 days by Ext.P4. By Ext.P5 order dated 30.09.2014, respondent authority rejected Ext.P4 application on the ground that a temporary permit cannot be granted in the vacancy of a route bus whose regular permit has already expired in 2012.

2. Having heard the learned counsel for the petitioner as also the learned Government Pleader, this Court is of the opinion that the reasoning given by the respondent cannot be sustained. It is not clear from Ext.P5 as to whether

any permit has been issued in the vacant timings of the regular service which was in operation. Therefore, at present, there is a vacancy. In that view of the matter, Ext.P5 is set aside. The respondent is directed to consider Ext.P4 application of the petitioner and pass appropriate orders thereon and issue temporary permit for a period of 20 days, in accordance with law, within a period of ten days from the date of receipt of a copy of this judgment. Needless to say, such issuance of temporary permit will be subject to a preferential claim, if any.

Writ petition is disposed of as above.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge