

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 29477 of 2015 (H)

PETITIONER(S):

A.SUMATHY, AGED 40 YEARS
W/O.ASHOK KUMAR, PAYYAROAD HOUSE, MUDAPPALLUR PO
ALATHUR, PALAKKAD

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

1. REGIONAL TRANSPORT AUTHORITY, PALAKKAD
REPRESENTED BY ITS SECRETARY, PIN 678 001
2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, PALAKKAD, PIN 678 001

R BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE REGULAR PERMIT RELATING TO BUS NO.KL-09 M/7454 TO OPERATE ON THE ROUTE MANNARKKAD THRISSUR WHICH IS VALID UP TO 15.01.2013
- P2: TRUE COPY OF THE INTERM ORDER DATED 08.10.2012 MADE IN MVARP.NO.356/2012 BEFOER THE STATE TRANSPORT APPELLATE TRIBUNAL
- P3: TRUE COPY OF THE CLEARANCE CERTIFICATE DATED 15.10.2012 ISSUED BY THE 2ND RESPONDENT
- P4: TRUE COPY OF THE NOTIFICATION NO.45/2015/TRANS. DATED 20.08.2015
- P5: TRUE COPY OF THE APPLICATION FOR REPLACEMENT FILED BY THE PETITIONER ON 22.09.2015
- P6: TRUE COPY OF THE APPLICATION DATED 22.09.2015 FOR RENEWAL OF PERMIT TO OPERATE ON THE ROUTE OF MANNARKAD- THRISSUR
- P7: TRUE COPY OF THE APPLICATION DATED 22.09.2015 FILED BY THE PETITIONER FOR GRANT OF TEMPORARY PERMIT UNDER SECTION 87(1)(d) OF THE MOTOR VEHICLES ACT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.29477 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

Ext.P1 regular permit to operate service on the route Mannarkkad-Thrissur was valid till 15.1.2013. Her application dated 29.12.2012 for renewal of the regular permit stands rejected by proceedings dated 18.3.2013. The petitioner has not chosen to challenge the said order which has become final. Therefore Ext.P6 application filed again for renewal of regular permit is not maintainable.

2. The petitioner was not a holder of regular permit in order to apply for replacement of the vehicle. Ext.P5 application for renewal was filed on 22.9.2015 on which date the petitioner did not have any permit. Needless to say that Ext.P5 application for replacement of the vehicle is not also maintainable.

3. What survives is Ext.P7 application for grant of temporary permit. The petitioner is disentitled to the benefit of Section 87(1)(d) of the Motor Vehicles Act [See the decision in W.P.(C) No.29828/2015 dated 1.10.2015]. The petitioner can only aspire to have Ext.P7 application considered under

Section 87(1)(c) of the Motor Vehicles Act.

4. I direct the second respondent to consider Ext.P7 application for temporary permit within two weeks. The same shall be done in terms of Section 87 (1)(c) of the Motor Vehicles Act.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj/06.10.15