

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36338 of 2015 (N)

PETITIONER(S):

**BAVITHA,
W/O. SAJEEVAN,
KOTTIYADATH HOUSE, EDKKAD,
KOZHIKODE.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRNASPORT AUTHORITY,
KOZHIKODE - 673 001.**

BY SENIOR GOVERNMENT PLEADER SMT.K.A.SANJETTHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 36338 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE APPLIATION DT. 20.11.2015 SUBMITTED BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. HARILAL, J.

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W.P. (C) No.36338 of 2015

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Dated this the 7th day of December, 2015

J U D G M E N T

The petitioner is an existing operator on the route Malikkadavu - Payyanakkalin respect of stage carriage No. KL-07/AG-8317 and the said permit is valid till 29.05.2016. Since, the vehicle is not in good condition, the petitioner purchased another vehicle bearing No. KL-02/S-171 and applied for replacement of the vehicle. The grievance of the petitioner is that though he has filed the application seeking permission of replacement of the vehicle much earlier, the same has not been considered so far.

2. Learned Government Pleader on instruction submits that on receipt of the application seeking permission for replacement, the respondent issued notice to the petitioner, calling up on him to appear before the respondent on 30.11.2011. He failed to

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appear before the authority, as required in the notice and there is no latches on the part of the authority in not processing the application.

3. In view of the fact that the respondent has issued notice to the petitioner and the petitioner failed to appear before the respondent in response to the said notice, I find that there is no latches or inaction on the part of the respondent. In such a situation, no positive order need be passed, directing the respondent to proceed with the application. The petitioner is at liberty to approach the respondent seeking proper relief.

This Writ Petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge