

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 36800 of 2015 (Y)

PETITIONER:

**SAHAD,
S/O. ABDU RAHIMAN,
PARAMBIL HOUSE,
P.O INDIANOOR
PONMALA,
MALAPPURAM**

BY ADV. SRL.K.V.GOPINATHAN NAIR

RESPONDENTS:

**1. THE REGIONAL TRANSPORT AUTHORITY
MALAPPURAM
REPRESENTED BY ITS SECRETARY,
PIN 676 505**

**2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM
PIN 676 505**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 36800 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE REGULAR PERMIT APPLICATION
SUBMITTED BY THE PETITIONER ALONG WITH THE TIMINGS
AND TRIPS SUGGESTED BY THE PETITIONER DATED 24-07-2015**
- EXT.P2 TRUE COPY OF THE 4 MONTHS TEMPORARY PERMIT
APPLICATION SUBMITTED BY THE PETITIONER ON THE ROUTE
THALAKAPPU-KOTTAKKAL-KADAMPUZHA DATED 09-10-2015**
- EXT.P3 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
IN WP(C) NO 31690/2015 DATED 16-10-2015**
- EXT.P4 TRUE COPY OF THE REMINDER SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 3-11-2015**
- EXT.P5 TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
IN ITEM NO 24 OF THE MEETING DATED 29-09-2015**
- EXT.P6 TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT IN
ITEM NO.33 GRANTING REGULAR PERMIT DATED 29-09-2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

K. HARILAL, J.

W.P. (C) No. 36800 of 2015-Y

Dated this the 08th day of December, 2015

JUDGMENT

The petitioner is a stage carriage operator who filed Ext. P1 application for grant of a regular permit to operate service on the route in Thalakkappu - Kottukkal - Kadampuzha. According to the petitioner, after necessary enquiry the said application was included for consideration by the first respondent in meeting held on 21.09.2015 and the matter was heard on 21.09.2015 and thereafter it was adjourned, but no final order has been passed so far.

2. During the pendency of the said application, the petitioner filed Ext. P2 application seeking temporary permit and this court by Ext. P3 judgment directed the respondent to pass orders on Ext. P2 application within a period of two weeks from the date of the judgment. Immediately, after passing of Ext. P3 judgment, Ext. P1 application seeking regular permit has come up for consideration and no order has been passed, pursuant to

Ext. P3, on an expectation that the order can be passed immediately on Ext. P1 application, seeking regular permit. But, thereafter Ext.P5 order was passed requiring the petitioner to produce a modified proposal. However, thereafter, no order has been passed either on Ext. P1 or Ext. P2, so far. This is the grievance projected in this writ petition.

3. The learned Government Pleader on instructions submits that on receipt of Ext. P3 judgment, the petitioner was heard and he was asked to produce a modified proposal as there were objections from other operators. But, thereafter, the petitioner has not produced the modified proposal and in that circumstance the respondents could not pass orders, on Ext. P2 application.

4. It stands admitted that at present the petitioner has neither regular permit nor temporary permit, even though he has been pursuing with the matter for a long time. Both the counsel for the petitioner and the learned Government Pleader submit different reasons for the same. But those reasons are not discernible from any of

the material available on record before this Court. Therefore, this Court is not inclined to make any observation on the reasons for not passing any final order so far either on Ext. P1 or on Ext. P2.

5. However, having regard to the fact that neither the regular permit nor the temporary permit has been granted to the petitioner, so far, the second respondent is directed to consider and pass orders on Ext. P2, within a period of ten days from the date of receipt of a copy of this judgment, provided that the petitioner shall produce a new proposal, within a period of one week, from today.

The writ petition is disposed of.

K. HARILAL, JUDGE

DCS