

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 37864 of 2015 (G)

PETITIONER:

SHAJI C., S/O NARAYANAN,
CHALAPPOYIL HOUSE, MUNDERI P.O.,
KANNUR-670 591

BY ADVS.SRI.SAJEEV KUMAR K.GOPAL
SRI.R.HARISHANKAR

RESPONDENT:

THE SECRETARY,
THE REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 001

BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA K.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE REPORT SUBMITTED BY THE FIELD OFFICER
- EXT.P2 : TRUE COPY OF THE PROPOSED TIMINGS SUBMITTED BY THE PETITIONER
- EXT.P3 : TRUE COPY OF THE DECISION OF THE REGIONAL TRANSPORT AUTHORITY AT ITS MEETING HELD ON 15/7/15 IN ITEM NO. 22
- EXT.P4 : TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC 30089/15 DT. 6/10.15
- EXT.P5 : TRUE COPY OF THE REPORT OF THE JOINT REGIONAL TRANSPORT OFFICER, THALASSERY DT. 31/10/15
- EXT.P6 : TRUE COPY OF THE ORDER NO. G/136366/15 C ISSUED BY THE RESPONDENT DT. 29/10/15

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J.

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W.P.(C).No. 37864 of 2015 (G)
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Dated this the 16th day of December, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the Senior Government Pleader for the respondent.

2. The petitioner was granted a regular permit to operate service on the route by Ext.P3 proceedings. The granted permit was directed to be issued after settlement of timings within one month by Ext.P4 judgment dated 06.10.2015.

3. More than two months have elapsed since then and the granted permit has not been issued till date. There is no rationale in denying even the temporary permit to operate service sought by the petitioner in the meanwhile.

4. Ext.P1 as well as Ext.P5 route enquiry reports shows the existence of need. The vehicle No.KL-58/E-5998 offered by the petitioner is lying idle after 14.11.2015.

5. The mere fact that other operators object to the petitioner operating service is no ground to decline temporary permit. I quash Ext.P6 order declining temporary permit to the petitioner therefore.

5. The respondent is directed to issue a temporary permit to the petitioner to operate service on the route forthwith. The same shall be done on the basis of Ext.P2 set of timings proposed by the petitioner.

The temporary permit so issued will enure till the issue of the regular permit granted. Any laches on the part of the respondent in complying with the directions of this Court is liable to be viewed seriously.

The writ petition is disposed of.

Sd/-
(V.CHITAMBARESH, JUDGE)

AMV/16/12/2015