

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38824 of 2017

ORDER:

This Writ petition is filed seeking the following relief:

"..to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned proceedings of the 3rd respondent dated 22-09-2017 vide his Memo.No.49492/A2/2010 as illegal, arbitrary, violative of the proceedings of the 2nd respondent vide it's proceedings in Item No.7 in R.No.24919/A2/2006 and consequently direct the respondents herein to issue regular permit in favour of the petitioner to ply his stage carriage bus - AP03/U.3625 on the Town Service Route - Punganur M.D.O. Office to Manevaripalli (via) Ramasamudram together with other reliefs viz., refund of excess amount collected from me forthwith in the interest of justice."

2. The facts, which are necessary for consideration, in brief, are as follows: 'The petitioner, having surrendered Town Service Temporary Permit issued in favour of the stage carriage vehicle AP 03U 3625 to operate on the Town Service Route - Punganur M.D.O office to Manevaripalli (via) Maniki Cross, requested to issue the permit in accordance with application made by him to operate on Town Service Route – Punganur M.D.O. office to Manevaripalli (via) Ramasamudram. While so, instead of issuing a regular permit, the petitioner has been issued a temporary permit *vide* proceedings in Item No.7 in R.No.24919/A2/2006 for a period valid from 24.06.2017 to 21.09.2017 (90 days) or till the disposal of the application for grant of pucca permit whichever is earlier. The grievance of the petitioner is that a pucca permit should have been granted instead of a temporary permit.'

3. Learned counsel for the petitioner fairly submits that as per the provision of Rule 132 of the A.P. Motor Vehicles Rules, 1989, the Regional Transport Authority shall meet under the Chairmanship of the Regional Transport Authority i.e., the second respondent, and shall consider the

applications for pucca permit in such meeting after putting the applicant on notice.

4. Learned Government Pleader for Transport would submit that the petitioner's request for pucca permit would be considered in due course as and when the meeting is held.

5. In reply, learned counsel for the petitioner would point out that such meeting as envisaged under Rule 132 of the aforesaid Rules shall be held atleast once in two months.

6. Having regard to the facts and submissions, the writ petition is disposed of directing the second respondent to consider the request of the petitioner for pucca permit as per the procedure established by law and on the petitioner complying with the necessary requirements in that regard. Since the temporary permit already granted to the petitioner has expired on 21.09.2017, the second respondent shall issue a fresh temporary permit to the petitioner till his request for pucca permit is considered and disposed of in accordance with procedure established by law. The necessary exercise atleast for grant of temporary permit shall be completed within two weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

Date: 08.12.2017

Note: Issue CC by 11.12.2017

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