IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 22ND DAY OF SEPTEMBER 2020 / 31ST BHADRA, 1942

WP(C).No.19475 OF 2020(H)

PETITIONER :

DENESAN UMAROTE,
AGED 38 YEARS,
S/O.RAMAN UMAROTE, KUNNATH HOUSE,
CHERUVAYOOR P.O., VAZHAKKAD,
PIN-673645, MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT :

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, CIVIL STATION,
MALAPPURAM P.O., PIN-676505,
MALAPPURAM DISTRICT.

SRI K.P HARISH, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.09.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

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The petitioner was granted a regular permit by Ext.P1 proceedings subject to settlement of timings. As directed in Exhibit P1, the petitioner produced current records of his vehicle for issuing regular permit after settling the timings. The grievance of the petitioner is that due to the restrictions imposed due to lockdown, the regular permit has not been issued. He prays for the issuance of necessary directions.

2. Heard Sri. Saju J. Vallyara, the learned counsel appearing for the petitioner and the learned Government Pleader for the respondent.

3. It is submitted by the learned Government Pleader that on account of COVID 19 pandemic, the authority is finding it difficult to schedule timing conferences and as a provisional measure, the permit can be issued to the petitioner by settling the timings provisionally after ensuring that the provisional timings do not clash with the timings of other vehicles operating in the same route so that unnecessary competition and inconvenience can be avoided.
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4. In view of the above, the following order is passed:

a) If the request made by the petitioner is otherwise in order, the respondent shall obtain a report from the Motor Vehicles Inspector and ensure that the provisional timings offered by the petitioner and noted in Exhibit P1 do not clash with the timings of other vehicles operating on the same route. If there is a likelihood of a clash of timings, the timing shall be modified accordingly. On the basis of the same, the respondent shall issue regular permit to the petitioner within a period of four weeks from the date of receipt of a copy of this judgment. It is made clear that the timing so fixed shall be provisional in nature.

b) The above direction shall be subject to settlement of timings formally at a timing conference which shall be scheduled by the concerned authority. If the situation is not conducive to hold an open meeting in physical mode, the respondent may hold the conference virtually, if there are no other impediments.

c) It is also made clear that the issuance of the permit with provisional timing as directed in direction (a) above will not be seen as conferring any right on the petitioner to insist on the same timings at the time of settlement of the timings at the formal meeting to be

convened by the Regional Transport Authority as per direction (b).

The petitioner shall produce a copy of the writ petition together with a copy of the judgment before the respondent to ensure compliance.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	PHOTOCOPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY, MALAPPURAM DATED 7.1.2020 VIDE ITEM NO.28.
EXHIBIT P2	PHOTOCOPY OF THE REGISTRATION CERTIFICATE OF STAGE CARRIAGE KL-10-BA-9842.
EXHIBIT P3	PHOTOCOPY OF THE REQUEST DATED 14.2.2020 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.

RESPONDENT'S/S EXHIBITS: NIL