
(2011) 02 KL CK 0064

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 5786 of 2011 (W)

Junaise

APPELLANT

Vs

The Regional Transport Authority and The Secretary

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Kerala Motor Vehicles Rules, 1989 — Rule 130
Motor Vehicles Act, 1988 — Section 81

Citation : (2011) 02 KL CK 0064

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : G. Prabhakaran, for the Appellant; No Appearance, for the Respondent

Judgement

P.N. Ravindran, J.—The Petitioner is a stage carriage operator operating a stage carriage on the route Kuttiyoor-Kozhikode via Peravoor, Koothuparambu, Kannur, Thalassery, Vatakara as a limited stop ordinary service. The permit was initially granted to operate stage carriage bearing registration No. KL 56/1600. Later, with the permission of the authorities, the Petitioner replaced the said vehicle with stage carriage bearing registration No. KL 11/AG 1119. The regular permit initially issued to the Petitioner was valid upto 14.4.2010. The Petitioner had even before the expiry of the permit submitted Ext.P1 representation dated 27.2.2000 for renewal of the regular stage carriage permit, after paying the requisite fee. Ext.P3 discloses that the Regional Transport Authority, Vatakara has granted prior concurrence for the renewal of the permit without prejudice to the right of the primary authority, viz., the Regional Transport Authority, Kannur to decide on the nature of service depending on the route length. The grievance voiced by the Petitioner is that though more than 6 months have passed after the Regional Transport Authority, Vatakara granted concurrence, till date, the primary authority, viz., the Regional Transport Authority, Kannur has not renewed the permit. The Petitioner submits that as a result thereof, he is forced to operate the stage carriage on the strength of temporary permits of 20 days which he has to

frequently apply for. In this writ petition, the Petitioner seeks a direction to the Respondents to pass orders on Ext.P1 application for renewal of the regular permit, if necessary, by circulation after following the procedure prescribed in Rule 130 of the Kerala Motor Vehicle Rules.

2. The pleadings disclose that the Petitioner was operating a stage carriage on the strength of a regular permit granted in the year 2005. The said permit was valid till 14.4.2010. The application for renewal was made on 27.2.2000 within the time prescribed in Section 81 of the Motor Vehicles Act. The requisite fee was also paid as can be seen from Ext.P2. Since the route is an inter district route, the concurrence of the Regional Transport Authority, Vatakara was also required. Ext.P3 discloses that concurrence was granted by the Regional Transport Authority, Vatakara. As a result of the delay on the part of the Respondents to consider the application for regular permit, the Petitioner has to apply at frequent intervals for grant of temporary permits. In such circumstances, I am of the opinion that the Respondents should take an expeditious decision on Ext.P1 application for renewal of the regular permit. If the Regional Transport Authority is not in a position to meet, it can take a decision by circulation as provided under Rule 130 of the Kerala Motor Vehicle Rules if urgent decision is required to be taken. The instant case being one for renewal of a regular permit already granted and as no revision of the time schedule is required, it is not necessary to hear the Petitioner or any other operator.

I, accordingly, dispose of the writ petition with a direction to the Respondents to take a final decision on Ext.P1 application for renewal of the regular permit expeditiously and in any event, within one month from the date on which the Petitioner produces a copy of this judgment before the Respondents. It will be open to the Respondents to follow the procedure prescribed in Rule 130 of the Kerala Motor Vehicle Rules for taking a decision in the matter.