
(2013) 01 KL CK 0131
In the High Court Of Kerala
Case No : W.P. (C) No. 4159 of 2008 (T)

P.V. Anishkumar

APPELLANT

Vs

The Regional Transport Authority

RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Citation : (2013) 01 KL CK 0131

Hon'ble Judges : V. Chitambaresh, J

Bench : Single Bench

Judgement

V. Chitambaresh, J.—Regular permit was granted to the petitioner in respect of stage carriage bearing Reg. No. KL-9K/7496 to operate on the route Adat-Mannuthy by Ext. P3 proceedings of the Regional Transport Authority dated 17-5-2005. The writ petition was filed long after seeking to settle the timings for the regular permit granted to operate the stage carriage on the route aforesaid. A statement has been filed on behalf of the respondent contending inter alia that the petitioner has failed to produce the current records of the vehicle within four months from the date of communication of the grant of permit. The contention of the respondent in essence is that the permit stands cancelled by virtue of Rule 159(2) of the Motor Vehicles Rules, 1989 (Kerala) and therefore no timings can be settled. I find that the petitioner is guilty of laches in as much as the writ petition was filed almost three years after the grant of regular permit. There is nothing on record to show that the petitioner had produced the current records of the vehicle within four months from the date of communication of the grant of permit. The respondent cannot be faulted with in relying on Rule 159(2) of the Motor Vehicles Act, 1989 (Kerala) to contend that the permit stands cancelled. Nothing precludes the petitioner from applying for regular permit to operate on the same route subject to satisfaction of the requisite conditions.

The Writ Petition (Civil) is dismissed. No costs.