

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Monday, the 22nd day of March 2021/1st Chaithra, 1943Contempt Case(C) No.535/2021(S) in WP(C) No.25387/2020PETITIONER/PETITIONER

HASNA T.K., W/O.JHAMSHI V.M., AGED 45 YEARS
VELLAYUR MADATHIL HOUSE, ERANJIKKUNNU, CHATHANGOTTUPURAM,
WANDOOOR P.O., NILAMBUR, MALAPPURAM.

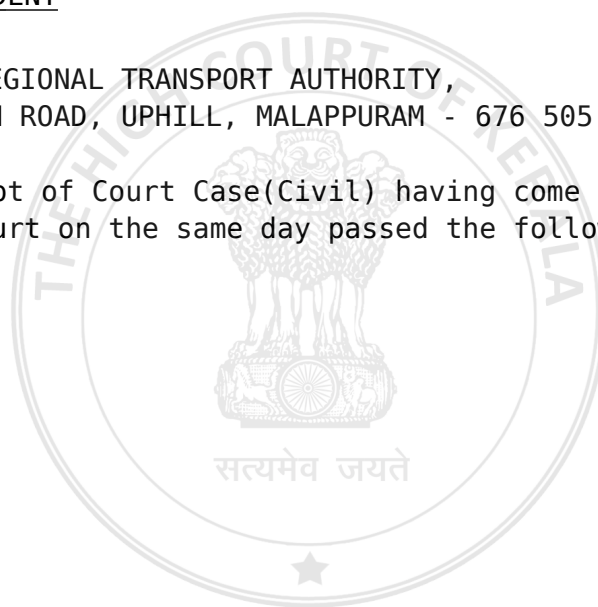
BY ADVOCATE SRI. K.V.GOPINATHAN NAIR

RESPONDENT/RESPONDENT

JOSHY K.,
SECRETARY, REGIONAL TRANSPORT AUTHORITY,
CIVIL STATION ROAD, UPHILL, MALAPPURAM - 676 505.

This Contempt of Court Case(Civil) having come up for orders on
22/03/2021, the Court on the same day passed the following:

P.T.O.



RAJA VIJAYARAGHAVAN V, J

Cont.Case (C) No.535 of 2021

in

W.P.(C) No.25387 of 2020

Dated this the 22nd day of March, 2021

ORDER

The petitioner herein had approached this Court complaining that his application for renewal of permit has not been considered by the Secretary, RTA, Malappuram. This Court, taking note of the fact that the field officer had already submitted his report that the permit requires to be renewed taking note of the convenience of public and students, disposed of the writ petition after hearing the submissions of both sides by judgment dated 19.11.2020. The respondent was directed to pass final orders on Exhibit-P2 application seeking renewal, expeditiously, at any rate, within a period of four weeks from the date of receipt of a copy of this judgment.

2. The petitioner states that though the certified copy of the judgment was produced before the respondent on 30.11.2020 seeking compliance, no orders have been passed till date.

3. The learned Senior Government Pleader, on instructions, submits that on 10.3.2021, an order has been passed by the Chief Electoral

Officer based on an application filed by the General Secretary, Kerala State Private Bus Operators Federation that all RTA Board meeting and the process of issuing permits and convening of timing conferences shall be deferred till the election process is over.

4. A learned Single Judge of this Court in **Basheer T.M. v. Secretary, RTA, Ekm and Ors.** [2016 (2) KLT 108] has held that the RTA or its Secretary are exercising quasi judicial functions in dealing with the applications for permit or settlement of timings. The statutory exercise by a quasi judicial authority shall not be deferred on the premise of the model code of conduct and the RTA as well as the Secretary is required to take the proceedings to a logical end soon unless tied down by election duty assigned to them. It was also held that the grant of permits or its renewal or the settling of settlement of timings are not a bounty but a valuable right to the operators restricted reasonably by the Motor Vehicles Act. At any rate, the judgment was rendered on 19.11.2020 granting four weeks to consider and pass orders on the renewal of permit and in that view of the matter, the respondent cannot bank on the order dated 10.3.2021 to ignore the directions.

5. In that view of the matter, if the directions in the order is not complied with on or before 05.4.2021, the respondent shall appear before

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In

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W.P.(C) No.25387 of 2020

this Court in person and show cause why he shall not be proceeded against
for wilfully flouting the directions of this Court.

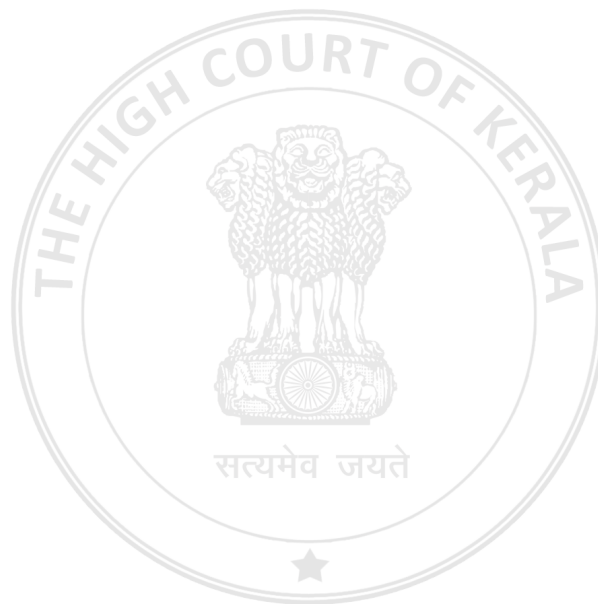
Post on 05.04.2021.

For information purpose only

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

sr



/true copy/

Sd/- ASSISTANT REGISTRAR

EXHIBIT P2 - TRUE COPY OF THE APPLICATION FOR RENEWAL OF PERMIT DATED 27/10/2020.

For information purpose only

