

**Hameed Vs. Ashokan**

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**Court :** Kerala

**Decided On :** Oct-14-1999

**Reported in :** I(2000)ACC130

**Judge :** A.R. Lakshmanan and; S. Sankarasubban, JJ.

**Appellant :** Hameed

**Respondent :** Ashokan

**Judgement :**

**A.R. Lakshmanan, J.**

1. The appellants A.K. Hameed and K.N. Anwar are third parties to the writ proceedings. They filed this Writ Appeal with the leave of this Court. The Writ Appeal is filed against the judgment in O.P. 22587/99 dated 7.9.1999. The learned Single Judge by judgment dated 7.9.1999 directed the Secretary, Regional Transport Authority, Thrissur to dispose of Ext. P2 application for temporary permit within one week from the date of receipt of copy of the judgment.

2. It is now represented by the Counsel for the first respondent that the temporary permit granted by the Secretary, Regional Transport Authority, Thrissur has expired on 2.10.1999 and, therefore, nothing further survives in this Writ Appeal to be adjudicated upon by this Court. According to the learned Counsel for the appellant, Secretary, Regional Transport Authority is not the Competent Authority

to consider and grant temporary permit on inter-district route and the Competent Authority is only the Regional Transport Authority. The route in question in the instant case is Ernakulam-Guruvayoor, which is an inter-district route. Rule 170 of the Kerala Motor Vehicles Rules, 1989 deals with grant of temporary permits for other regions without counter-signature. The rule says that a temporary permit granted by the Regional Transport Authority shall be valid in any other region or regions in this State without counter-signature by the Regional Transport Authority of the other region or regions in the following cases:

(a) temporary permit granted under Clause (a) or (c) of Section 87 of the Act for a period not exceeding 20 days;

(b) temporary permit under Clause (c) of Section 87 of the Act for a period exceeding 20 days and under Clause (b) of Section 87 of the Act granted to a contract carriage;

(c) temporary permit granted under Clause (c) of Section 87 of the Act for a period exceeding 20 days and under Clause (b) of Section 87 of the Act granted to a stage carriage, provided that prior concurrence of the Regional Transport Authority or Regional Transport Authorities concerned shall have been obtained for the issue of the temporary permit, provided that such concurrence shall not be necessary for the grant of a temporary permit to perform substitute service in place of a vehicle already covered by a valid permit for operation on any inter-district route;

(d) a temporary permit granted under Clause (d) of Section 87 of the Act, provided that the permit in respect of which application for renewal is pending is renewable under these rules without counter-signature by the Regional Transport Authority or Regional Transport Authorities concerned.

3. This power, as rightly pointed out by the learned Counsel for the appellant is exercisable only by the Regional Transport Authority as provided by Rule 170 and has not been delegated under Rule 133 of the Rules. We, therefore, hold that only the concerned Regional Transport Authority of the region is competent to consider, decide and grant the temporary permit under Rule 170 of the Kerala Motor

Vehicles Rules and not the Secretary, R.T.A. Writ Appeal is disposed of accordingly. C.M.P. No. 5631/99 stands dismissed.

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