

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 18TH JULY 2008 / 27TH ASHADHA 1930

WP(C).No. 18971 of 2007(H)

PETITIONER:

**J.MANI,
PATTARAZHIKAM, VAKAKKETHARA,
KANNIMELCHERRY P.O., KOLLAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

**1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM, REPRESENTED BY ITS SECRETARY.**

**2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOLLAM.**

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18/07/2008, ALONG WITH WPC. NO.31152 OF 004 AND CONNECTED CASES
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

W.P.(C) NO.18941/2007

APPENDIX

PETITIONERS EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS DT. 29.5.06.

EXT.P2:- COPY OF THE INTERIM ORDER DT. 31.8.06 IN MP. 1`548/06 IN MVAA. NO.464/06.

EXT.P3:- COPY OF THE JUDGMENT DT. 31.8.06 IN MVAA. NO.464/06.

EXT.P4:- COPY OF THE TEMPORARY PERMIT DT. 11.1.07.

EXT.5P:- COPY OF THE PROCEEDINGS DT. 3.11.06.

EXT.P6:- COPY OF THE APPEAL MEMORANDUM AS MVAA. NO.47/07 DT. 22.1.07.

EXT.P7:- COPY OF THE MEDICAL CERTIFICATE DT. 15.5.05.

EXT.P8:- COPY OF THE JUDGMENT DT. 10.4.07 IN MVAA. NO.47/07.

/TRUE COPY/

P.A. TO JUDGE

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KURIAN JOSEPH, J.

W.P(C)No.18971 of 2007

Dated this the 30th day of October, 2009

JUDGMENT

The challenge is on Ext.P8 order passed by the STAT. Ext.P5 is the order passed by the RTA refusing to renew the regular permit on the ground that application for renewal was delayed by more than three months. According to the petitioner the delay was properly explained by a medical certificate (Ext.P7). But it is seen that the STAT has dismissed the appeal holding that the medical certificate was not part of the records. In the counter affidavit filed by the Secretary of the Regional Transport Authority it is stated at paragraph 6 as follows:-

"6. Meanwhile, the petitioner filed another appeal before the Hon'ble State Transport Appellate Tribunal, Ernakulam, vide MV AA No.47 of 2007 against the decision of the Regional Transport Authority dated 3-11-2006. It is submitted that the Medical Certificate referred in the petition which was submitted in office on 2-2-2007, was not included in the connected file of 54 pages which was forwarded to the Standing Counsel."

Thus it is fairly clear that there was a medical certificate, though produced after the orders of the RTA. In that view of the matter

it is only appropriate that the STAT considers the matter afresh with reference also to the medical certificate produced on 2-2-2007. Therefore, Ext.P8 is quashed. The matter is remitted to the STAT, Ernakulam for passing fresh orders in the matter with reference also to the counter affidavit as extracted above. The same shall be done within a period of three months from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

W.P(C)No.18971 of 2007

JUDGMENT

30th October, 2009