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29/10/2002

No.C1-30280/TC/2002

Head Office,  
Motor Vehicles Department,  
Thiruvananthapuram, 27.9.02.

C I R C U L A R No.25/2002.

Sub:- M.V.Act 1988 Section 87(1)(a) to (d) Temporary Variation of regular permit can not be allowed - Instructions issued-Reg. -

Ref:- Judgement dated 28.02.2002 of the Hon'ble High Court of Kerala in O.P.No.34998/2001 filed by Sheeba, Kozhikkode.

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Regional Transport Authority, Kozhikkode has granted a regular permit for a Stage Carriage bearing Registration No.KRD 7738 to operate on the route Railway Station - Medical College Hospital - Feroke(via) Malapparamba and Civil Station which is valid upto 18.02.2004. The above trip would reach the Medical College Hospital at 5.44 p.m. and thereafter would leave from Medical College Hospital towards Feroke only at 7.05 PM. Thus there was a time gap of one hour twenty one minutes. The registered owner of the above Stage Carriage had applied for a temporary permit for utilizing the above time gap without affecting regular operation, so as to take an additional trip from Medical College Hospital at 6.03 PM and to arrive back at Medical College Hospital at 7.03 p.m. retaining the existing timings. R.T.A. has granted the T.P. for 4 months for operating a trip between Medical College Hospital and City in the vacant time to the Stage Carriage KRD 7738.

The O.P. was filed challenging the above order of the R.T.A. stating there is no provision in the M.V.Act for allowing temporary variations on a pucca permit.

In the judgement the Hon'ble High Court of Kerala has quashed the order of R.T.A. held that "there is nothing called a temporary variation of pucca permit in Motor Vehicles law though a temporary extension of a route covered by a pucca permit by the grant of a temporary permit is possible if the route covered by the two permits are continuous".

Hence all the concerned officers are instructed to take into account the above observation of the Honourable High Court of Kerala while requests for granting variations of pucca permit/temporary permit come up. Please acknowledge the receipt of the Circular.

(Sd.)

Transport Commissioner.

To

All Dy.Transport Commissioners/Regional Transport Officers/  
Joint Regional Transport Officers.

Copy to: Sr. DTC and Secretary, STA, L.O., F.O.

Approved for issue,

Senior Superintendent.

B.Tm.