

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Con.Case(C).No. 604 of 2015 (S)

WP(C) 2699/2015 of THIS HONOURABLE COURT

PETITIONER/PETITIONER :

**MUHAMMED BASHEER, AGED 43 YEARS,
S/O.HYDROSE, ANYHAKULAM HOUSE,
KOTTUVALLY.P.O., NORTH PARUR.**

BY ADV. SRI.P.DEEPAK

RESPONDENTS/MEMBERS OF RESPONDENT :

- 1. M.G.RAJAMANICKAM, IAS,
AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER,
DISTRICT COLLECTOR & CHAIRMAN
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM-682030.**
- 2. YATHEESH CHANDRA, IPS,
AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER,
SUPERINTENDENT OF POLICE(ERNAKULAM RURAL)
& MEMBER REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-5682030.**
- 3. E.S.JAMES,
AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER,
DEPUTY TRANSPORT COMMISSIONER, CZ-11 & MEMBER,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM-682030.**

BY GOVERNMENT PLEADER SRI.S. JAMAL.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

Con.Case(C).No. 604 of 2015 (S)

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A: COPY OF THE DECISION OF THE RTA, ERNAKULAM DT. 16-07-2013.

ANNEXURE B: COPY OF THE JUDGMENT DT 23.8.2014 IN MVAA NO. 409 OF 2013.

ANNEXURE C: COPY OF THE DECISION OF THE RTA, ERNAKULAM DT. 30.10.2014.

ANNEXURE D: COPY OF THE JUDGMENT IN WPC NO. 2699 OF 2015 DT. 02-02-2015.

ANNEXURE E: COPY OF THE DECISION OF THE RTA, ERNAKULAM DT 23-02-2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. Vinod Chandran, J

Cont. Case (C).No.604 of 2015-S

Dated this the 22nd day of June, 2015

JUDGMENT

The petitioner contends that there is a *per se* contempt, insofar as the action taken by the Regional Transport Authority [for brevity “RTA”] in violation of the directions in Annexure-D judgment.

2. The petitioner's application for variation was rejected by the RTA on a misapprehension of facts, which is noticed in the judgment at Annexure-D. On the basis of the submission of the learned Government Pleader that the RTA would be convening a meeting on 13.02.2015, the writ petition was disposed of by Annexure-D judgment directing re-consideration of the application, noticing the obvious mistake committed in Exhibit P5 order of the RTA. The re-consideration was directed in compliance with the directions contained in Exhibit P4 judgment [Annexure-B] of the State Transport Appellate Tribunal [for brevity “the Tribunal”] and also after hearing the Kerala State Road Transport corporation. The RTA did not post the matter on 13.02.2015. Now, the RTA is said to have rejected the application for variation, by circulation of papers, even without hearing the petitioner.

3. However, the consideration having been effected, it is for the petitioner to challenge Annexure-E. One other infirmity pointed out by the learned counsel for the petitioner is the fact that the report relied on in Annexure-E for rejection of the variation application has already been found in favour of the petitioner, in Annexure-B, by the Tribunal. That would also be a matter which could be raised by the petitioner in challenge of Annexure-E.

In the above view of the matter, the contempt case would stand closed, leaving liberty to challenge Annexure-E, if so advised.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]