

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

RP.No. 601 of 2015 (F) IN WP(C).14657/2015

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AGAINST THE JUDGMENT IN WP(C) 14657/2015 of
HIGH COURT OF KERALA DATED 19.05.2015**

REVIEW PETITIONER(S):

**KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM
REPRESENTED BY ITS ZONAL OFFICER,
SASIDHARAN.**

BY ADV. SRI.P.C.CHACKO, SC, KERALA STATE ROAD TR

RESPONDENT(S):

- 1. JULIE THOMAS, W/O. THOMAS, THAZHATHU THUNDIYIL HOUSE
KATTAPPANA PO, IDUKKI - 685 602**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM - 682 030**

**R BY SRI.I.DINESH MENON
R BY GOVERNMENT PLEADER, SMT. LOUSY A.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
03-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

**ANNEXURE -1 TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVT. OF KERALA
DATED 16.07.2013 VIZ. GO (P) No.73/2013 UNDER SECTION 100(2) OF
THE MOTOR VEHICLES ACT.**

**ANNEXURE -2 TRUE COPY OF THE ORDER DATED 23.12.2014 IN WA No.667 OF 2014
PASSED BY THE HIGH COURT OF KERALA.**

**ANNEXURE -3 TRUE COPY OF THE PERMIT ISSUED BY THE SECRETARY, RTA
NATIONALISED SECTOR, THIRUVANANTHAPURAM TO THE KSRTC
DATED 24.01.2015.**

RESPONDENT(S)' EXHIBITS

nil

// True copy //

das

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 3rd day of July, 2015

O R D E R

This is a petition filed seeking review of the judgment dated 19.05.2015 of this Court, to the extent this Court had directed the respondent to consider the grant of a temporary permit to the petitioner in the writ petition. In the review petition, filed after obtaining leave from this Court, the petitioner, who is the Kerala State Road Transport Corporation (hereinafter referred to as 'the KSRTC'), submits that by a notification dated 16.07.2013, issued under Section 100(2) of the Motor Vehicles Act, the right to operate Fast Passenger and other Super Class Services is exclusively given to the Corporation. As per Clause 3 of the said scheme of Nationalisation, permits granted to the private sector can operate till the expiry of the respective permit. Thereafter, no permit can be renewed and no permit, either regular or temporary, can be issued to the private sector. It is stated that the said notification of the Government of Kerala has been upheld by a Single Judge of this Court, against which a Writ Appeal is pending. It is the submission of counsel for the review petitioner that the KSRTC has since started regular service on the route in question and therefore, the direction issued by this Court in the judgment dated 19.05.2015 was issued without noticing the Government

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Order dated 16.07.2013. It is pointed that, if the petitioner in the writ petition had brought the Government Order dated 16.07.2013 to the notice of this Court, the said direction would not have been issued by this Court.

2. The learned Government Pleader would submit that, pursuant to the directions in the judgment dated 19.05.2015, when the matter was taken up by the respondents for consideration of the issue of grant of temporary permit, the respondents, after taking note of the fact that the KSRTC had already commenced operation on the route in question, denied the writ petitioner, the grant of temporary permit. In the light of the said submission of the learned Government Pleader, and on a perusal of the Order dated 02.06.2015 that was passed by the respondents pursuant to the directions in the writ petition, I find that the review petition itself can be closed recording the fact that the respondents in the writ petition, pursuant to the direction issued in the judgment dated 19.05.2015, has not granted the temporary permit to the writ petitioner as sought for in the writ petition.

The review petition, is thus closed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE