

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

RP.No. 129 of 2014 (F)

(AGAINST THE JUDGMENT IN WP(C).NO. 654/2014 DATED 08-01-2014)

REVISION PETITIONER/(3RD PARTY):

**KERALA STATE TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR,
REPRESENTED BY HIS AUTHORISED SIGNATORY,
P.SURESH KUMAR, CHIEF LAW OFFICER.**

BY ADV. SRI.P.C.CHACKO, SC

RESPONDENTS/PETITIONER & RESPONDENTS 1 & 2:

- 1. SHIJO THAMPI,
AMBALAKADAVIL HOUSE, KURICHY, CHANGANACHERRY,
KOTTAYAM-686 101.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOTTAYAM-686 002.**
- 3. THE REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM, REPRESENTED BY ITS SECRETARY-686 002.**

R1 BY ADV. SRI.G.PRABHAKARAN

R2 & R3 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

sts

R.P.NO.129/2014

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEX 1 COPY OF ORDER DATED 16/11/2013 AS ITEM NO.27 OF THE 3RD
RESPONDENT.**

ANNEX 2 COPY OF THE NOTIFICATION NO.42/TRANS DATED 14/7/2009.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J.

=====

**R.P No.129 of 2014 in
W.P(C) No.654 of 2014**

=====

Dated this the 16th day of January, 2015

ORDER

Review petition is filed by the Kerala State Road Transport Corporation, for short, K.S.R.T.C, seeking review of the judgment dated 08.01.2014, in the writ petition filed by the owner of a stage carriage bearing Registration No.KL-05/P 7891. The writ petitioner prayed for issuance of a temporary permit in the route "Perunna Temple - Kottayam", which he applied for as per Ext.P2. The writ petition was disposed of directing issuance of temporary permit.

2. The learned Standing Counsel for the K.S.R.T.C brings to the notice of this Court that the route which has a total length of 21.8 Kms overlaps a notified scheme route between Kottayam and Kottarakara, the extent of overlap of which is objectionable, since it covers 17 Kms. Further, it is

also indicated in Annexure 1 that Order No.G1/127340/2013 K dated 16/11/2013 was passed by the R.T.A refusing grant of temporary permit on the ground of objectionable overlapping. It is evident that the petitioner has approached this Court suppressing the order at Annexure-1; after having suffered a rejection earlier.

3. The petitioner has also not disclosed the question of overlapping in the writ petition nor impleaded the K.S.R.T.C, in the writ petition. In such circumstances, the review petition is allowed re-calling the judgment dated 08.01.2014. The writ petition would stand dismissed and finding clear suppression of material facts, an exemplary cost of Rs.10,000/- (Rupees Ten Thousand Only) is imposed on the writ petitioner/1st respondent in the review petition, which the K.S.R.T.C would be entitled to recover from the 1st respondent. The said liability with cost shall be recovered from the 1st respondent, who is the registered

owner of stage carriage bearing Registration No.KL-05/P 7891 by appropriate action under the Motor Vehicles Act 1988 and the Motor Vehicles Rules, 1989 or the K.S.R.T.C shall be entitled to proceed for recovery under the Kerala Revenue Recovery Act, 1968.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True Copy// P.A to Judge