

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

RP.No. 932 of 2015 (F)

AGAINST THE JUDGMENT IN WP(C).NO.18851/2015 DATED 02-07-2015.

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REVIEW PETITIONER/PETITIONER IN W.P.(C):

**K.P. ANTONY, S/O.POULOSE,
KAKKASSERY HOUSE, MATTAM P.O.,
THRISSUR.**

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENT/RESPONDENT IN W.P.(C):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR, PIN- 680 001.**

BY GOVT. PLEADER SRI.SOJAN JAMES.

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RPNo. 932 of 2015 (F)

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE DECISION OF THE STATE TRANSPORT AUTHORITY
KERALA DATED 25/06/2015.**

**ANNEXURE A2 COPY OF THE CERTIFICATE ISSUED FROM THE OFFICE OF THE
REGIONAL TRANSPORT OFFICE, THRISSUR DATED 25/08/2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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R.P No.932 of 2015 in
W.P(C) No.18851 of 2015

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Dated this the 6th day of November, 2015

ORDER

Petitioner was operating the service on the basis of temporary permit utilising the vacant timings of another stage carriage which was subsequently cancelled. The petitioner alleges that in order to regularise the service, he filed an application for regular permit which was allowed as per Ext.P1. While granting regular permit, the normal condition with regard to the settlement of timing as per D3 circular was also mentioned therein. Due to the delay in issuing the regular permit, he approached this Court with the writ petition seeking issue of regular permit with the vacant timings and this Court by the impugned judgment directed the respondent to consider the issue within one month. The petitioner further alleges that though a timing conference was scheduled, the same was adjourned.

2. The petitioner further alleges that the vacant time sought by him is even now vacant as could be seen from Annexure-A2. In the meanwhile, the STAT who issued D3 circular themselves found that the implementation of D3 circular is yet to be considered after

analysing the same since the STAT found that the said circular is unenforceable due to various practical aspects. Therefore, according to the petitioner, the relevancy of D3 circular at present does not exist and necessarily direction can be issued to the respondent to issue the permit with that proposed vacant timings, especially the route requested by him is completely ill served area. It is with this background, the review petition is filed.

3. Arguments have been heard.

4. The grievance projected by the petitioner is that on account of the delay in implementing D3 circular, the petitioner is denied permit. As rightly submitted by the learned counsel for the petitioner, the petitioner need not suffer on account of the delay on the part of the State in implementing D3 circular.

Therefore, the review petition is disposed of clarifying that the respondent is bound to issue the permit subject to the implementation of D3 circular if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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