

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

W.A.No. 820 of 2012

AGAINST THE JUDGMENT IN WP(C) 26797/2011 of HIGH COURT OF KERALA DATED 07-03-2012

APPELLANT/1ST RESPONDENT IN THE W.P.(C):

ANILKUMAR
S/O.KUMARAN KAITTHAKATTIL MEENADATHUR TIRUR
MALAPPURAM DISTRICT

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS/PETITIONER AND RESPONDENTS 2 TO 4 IN THE W.P(C):

1. SRENIVAS BABU K.T
S/O.JANARDHANA MENON SAYOOJ OZHUR P.O MALAPPURAM DISTRICT
2. THE REGIONAL TRANSPORT AUTHORITY
MALAPPURAM REPRESENTED BY ITS SECRETARY 676 505
3. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM 676 505
4. THE STATE TRANSPORT APPELLATE TRIBUNAL
ERNAKULAM 692 035

R BY SRI.U.K.DEVADAS
R BY SR. GOVERNMENT PLEADER SRI.P.FAZIL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08-06-2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.820 of 2012

Dated this the 8th day of June, 2015

JUDGMENT

Antony Dominic, J.

The appellant is the owner of a stage carriage bearing No.KL-55-8440 which was operating on Ozhur - Kavilakkad (via) Puthentheru, Tirur, B.PAngadi, Alathiyur, Alungal and Chammaravattom. He sought for curtailment of a distance of 1.5 kms from Puthentheru to Ozhur and extension of such a distance from Puthentheru to Puthentheru A.L.P.School. The Regional Transport Authority, Malappuram, rejected the application. Thereupon, the appellant filed M.V.AA.97/10 before the State Transport Appellate Tribunal, Ernakulam, who had by Ext.P4 judgment allowed the appeal. Thereupon, permit was varied and timings was also settled as early as in June 2011. In October 2011, the first respondent challenged the judgment of the Regional Transport Authority by filing a writ petition. The writ petition was allowed by judgment under appeal. It is challenging the judgment of the learned Single Judge, this appeal is filed and this Court by order dated 17.4.2012 stayed the operation of the judgment.

2. From the above, it is evident that from 2011 onwards the appellant is operating in the route on the strength of the varied permit and it is at that stage, this appeal is coming up for hearing.

3. We heard the counsel for the appellant and the learned Government Pleader appearing for the respondent.

4. As we have already stated, for almost four years now the appellant is operating on the strength of the varied permit. In such circumstances, we do not find any justification in upsetting the status quo that is prevailing. Therefore, we set aside the judgment of the learned Single Judge and dismiss the writ petition.

Writ Appeal is allowed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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