

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL
B.RADHAKRISHNAN**

&

THE HONOURABLE MR.JUSTICE K.HARILAL

**WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH
PHALGUNA, 1936**

WA.No. 263 of 2015 () IN WP(C).2352/2013

WP(C) 2352/2013 of HIGH COURT OF KERALA DATED 12-06-2014

APPELLANT/4TH RESPONDENT:

**KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS REGIONAL TRANSPORT OFFICER
ERNAKULAM, KOCHI-11.**

**BY ADV. SRI.P.C.CHACKO, SC, KERALA STATE ROAD
TRANSPORT CORPORATION.**

RESPONDENTS/PETITIONER & R1 TO 3:

**1. GURUVAYOOR INFRASTRUCTURE PVT LTD,
PRESENTLY HAVING ITS REGISTERED OFFICE
AT DOOR NO.1-80/40/SP/58-65
SHILPA HOMES LAYOUT, GACHI BOWLI,
HYDERABAD-500 032
REPRESENTED BY ITS AUTHORISED SIGNATORY
SREEKUMAR.M.V, S/O LATE K.E.NAIR, AGED 65
RESIDING AT 178-GIRINAGAR, KADAVANTHRA
ERNAKULAM-682020.**

**2. NATIONAL HIGHWAY AUTHORITY OF INDIA,
G.5 & 6 SECTION-10, DWARAKA, NEW DELHI-110075.**

**3. THE PROJECT DIRECTOR,
NHAI, PALAKKAD, PIN-678001.**

**4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY, PWD, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

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**R3 BY ADV. SRI.THOMAS ANTONY
R1 BY ADV. SRI.S.SREEKUMAR (SR.)
R1 BY ADV. SRI.P.MARTIN JOSE
R1 BY ADV. SRI.P.PRIJITH
R1 BY ADV. SRI.THOMAS P.KURUVILLA
R BY GOVERNMENT PLEADER**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

APPELLANT'S ANNEXURES:

- ANNEXURE 1 :TRUE COPY OF THE DETAILS OF THE
DISCUSSION CONDUCTED BY THE APPELLANT
WITH THE 1ST RESPONDENT ON 20.11.2014.**
- ANNEXURE 2 : TRUE COPY OF THE LETTER DATED 27.11.2014
ISSUED BY THE 1ST RESPONDENT TO THE
APPELLANT.**
- ANNEXURE 3 :TRUE COPY OF THE PROFORMA OF
AGREEMENT ISSUD BY THE 1ST RESPONDENT
TO THE APPELLANT DATED NIL.**

RESPONDENTS' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**THOTTATHIL B. RADHAKRISHNAN
&
K. HARILAL, JJ.**

W.A. No. 263 of 2015

Dated this the 25th day of February, 2015

J U D G M E N T

Thottathil B. Radhakrishnan,J.

1. We have heard the learned counsel for the appellant - KSRTC and the learned senior counsel for the first respondent.
2. It is not in dispute that the first respondent is entitled to collect toll from the routes in question. It is also not in dispute that the appellant - KSRTC has not given any certification by its competent authority as to the number of buses plying in each route per day. Therefore, we do not really see any obligation on the part of the first respondent - writ petitioner to issue monthly passes to the STU buses or to wait for collection of toll due from the STU on monthly collection basis. Yet certain reliefs have been granted by the learned Single Judge in favour of KSRTC as

well. We see no ground to interfere with the impugned judgment at the instance of KSRTC. This appeal is, therefore, dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

//true copy//

P.A to Judge

smv