

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WA.No. 1842 of 2015 () IN WP(C).19192/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 19192/2015 of HIGH COURT OF KERALA
DATED 29-07-2015**

APPELLANT(S)/PETITIONER:IN THE WRIT PETITION

**P.K. SUGATHAN
KALAPPURAKAL HOSUE, MARADU P.O., ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S)/RESPONDENTS: IN THE WPC

- 1. THE REGIONAL TRANSPORT AUTHORITY
ERNAKULAM REPRESENTED BY ITS SECRETARY - 682 030.**
- 2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM - 682 030.**

BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.A. No. 1842 of 2015

=====

Dated this, the 19th day of August, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the appellant and the learned Government Pleader.

2. This writ appeal has been filed against judgment dated 29th July, 2015 in WP(C) No.19192/2015. The writ petition was filed by the appellant alleging non consideration of the application for grant of regular permit on an inter district route for a distance of 9.7 km within the jurisdiction of the RTA, Alappuzha. The writ petition was disposed of by the learned Single Judge as follows;

“As the RTA, Alappuzha is the sole authority to ascertain the scheme violation of the notified route, the writ petition is disposed of permitting the petitioner to obtain concurrence from the RTA, Alappuzha in the matter and if the permission is accorded by the RTA, Alappuzha, the same shall be considered by the second respondent, within a period of one month from the date of receipt of a copy of this judgment”.

3. Learned counsel for the appellant submits that there was no necessity to obtain any concurrence from RTA, Alappuzha and directions ought to have been made for consideration of the regular permit. Learned Government Pleader has pointed out that Ext.P5 itself indicated that concurrence upto 10 kms is only from the border within Ernakulam District and the said order shall not enure to the benefit of the petitioner, who has to obtain concurrence from RTA, Alappuzha.

We do not find any error in the direction issued by the learned Single Judge. It is still open for the appellant to obtain appropriate concurrence and submit before the competent authority. Learned counsel lastly contended that concurrence is an inter departmental communication on which petitioner has no control. Be that as it may, the petitioner can very well point out by making an application to the concerned authority about the said requirement as observed by the learned Single Judge. With these observations, the writ appeal is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp