

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

WP(C).No. 1300 of 2015 (J)

PETITIONER(S):

**N.K. RAJU, NJALIMAKKAL HOUSE,
KOTHALA P.O., PAMPADY, KOTTAYAM.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY, IDUKKI,
REPRESENTED BY ITS SECRETARY, IDUKKI-685 603.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI-685 603.**

BY GOVT. PLEADER SRI.R. RANJITH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: A TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID TILL 03.03.2012.

EXHIBIT P2: A TRUE COPY OF THE APPLICATION FOR RENEWAL OF REGULAR PERMIT FILED ON 13.02.2012.

EXHIBIT P3: A TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 19.01.2015.

EXHIBIT P4: A TRUE COPY OF THE APPLICATION FOR VARIATION DATED 30.12.2014 WITH COVERING LETTER.

EXHIBIT P5: A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED 30.12.2014 TO OPERATE ON THE ROUTE KOTTAYAM-CHELACHUVADU AS LSOS.

EXHIBIT P6: A TRUE COPY OF THE ORDER DATED 05.01.2015 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

K.VINOD CHANDRAN, J

W.P.(C).No. 1300 of 2015

Dated 16th January, 2015

JUDGMENT

The petitioner is aggrieved with the non consideration of Ext.P4 application to vary the conditions of permit as also the non consideration of the temporary permit application at Ext.P5.

2. The brief facts to be noticed are that the petitioner had been carrying on Fast Passenger Service as per Ext.P1 permit which was valid till 03.03.2012. However, with the introduction of the distance rule, any service having route length of 140 Kilometers or more, had to be converted into Fast Passenger Service. Hence, the petitioner's permit stood converted as Fast Passenger Service.

3. Yet again, there was a Scheme introduced wherein the Fast Passenger Services were confined to the State Transport Undertaking and the Scheme

was upheld by a learned single Judge of this Court. The Government permitted issuance of temporary permit to Fast Passenger Services pending disposal of the Writ Appeal, in cases where the renewal application was pending. In such circumstances, the petitioner was also issued with a temporary permit evident at Ext.P3 as a Fast Passenger Service which was valid till 19.01.2015.

4. However, the Government withdrew the said concession and restricted the Fast Passenger services to the State Transport Undertaking alone. As a consequence, the petitioner was issued with a communication at Ext.P6 interdicting operation on the basis of Ext.P3 permit. The petitioner hence, to avoid any confrontation with the Scheme, made an application for variation of the conditions of permit to convert the permit to the category of Limited Stop Ordinary Service and to comply with the distance rule, also sought for curtailment as per Ext.P4. The same is pending consideration and

in the meanwhile, the petitioner having stopped the operation as per Ext.P3, only seeks consideration of the temporary permit application in the curtailed route as a Limited Stop Ordinary Service.

5. This Court does not find any impediment in considering such permit especially since the petitioner had been operating on a temporary permit in the very same route having full length of 140 Kms., as a Fast Passenger Service. In such circumstances, there would be no difficulty in issuing a temporary permit in the curtailed route. Same shall be done within a week, pending disposal of Ext.P4. Ext.P4 application also shall be disposed of in accordance with law by the 1st respondent.

Writ petition disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs