

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 1981 of 2015 (W)

PETITIONER:

A.VIJAYAPPAN NAIR,
ANUGRAHA HOUSE, CHIRAKADAVU CENTRE P.O, PONKUNNAM

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
PATHANAMTHITTA, PIN 689 645

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1981 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON
THE ROUTE PERUMPETTY TO VYTILA HUB VALID UPTO 16-11-2019

EXT.P2 TRUE COPY OF THE 4 MONTHS TEMPORARY PERMIT APPLICATION
SUBMITTED BY THE PETITIONER FOR EXTENDED ROUTE FROM PERUMPETTY TO
KOZHENCHERRY BEFORE THE RESPONDENT DATED 22-12-2014

EXT.P3 TRUE COPY OF THE COVERING LETTER SUBMITTED ALONG WITH THE
APPLICATION DATED 22-12-2014

RESPONDENT'S EXHIBITS:

//TRUE COPY//

P.A. TO JUDGE

K.VINOD CHANDRAN, J

W.P.(C) No.1981 of 2015

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner has a regular permit which is seen at Ext.P1, between Perumpetty and Vyttila Hub. Admittedly the petitioner operates only one round trip in the said route. The petitioner, taking into consideration, the public need, sought for an extension from Perumpetty to Kozhenchery by an application before the Regional Transport Authority, Kottayam who was the primary authority. The route Perumpetty-Vyttila Hub passes through two districts, being the primary RTA that at Kottayam and RTA, Ernakulam, the sister RTA.

2. The extension now sought for is for 19Kms. within Perumpetty and Kozhencherry. Hence necessarily the primary RTO would have to consider the variation application and obtain concurrence/counter signature from the Secretary, RTA, Pathanamthitta also, through which the

extended route would traverse.

3. However, pending such consideration, the petitioner seeks to operate his vehicle, in a temporary permit, on such extended route. The petitioner hence made an application before the RTA, Pathanamthitta for extension between the Pathanamthitta and Kozhencherry, which according to the petitioner does not at all in any manner disturb the timings in Ext.P1 permit. The issue is covered by the judgment of this Court in **Balakrishna Travels v. RTO, Malappuram** [1982 KHC 181] wherein a learned single Judge specifically considered the issue of a temporary permit, pending consideration of a regular permit variation application; seeking extension of the route in the regular permit. Going by the dictum, this Court is of the opinion that the Secretary, RTA, Pathanamthitta has to consider the temporary permit application pending the variation application before the primary RTA being the RTA, Kottayam. The RTA, Pathanamthitta shall consider the same within a period of two weeks from the date of production of the certified copy of the judgment, subject however to the condition that the

KSRTC too is afforded a personal hearing, before the temporary permit is granted. It is also to be ensured that no change of time would be entailed in the regular permit on such grant of temporary permit. The issuance of temporary permit would definitely be subject to the decision in the variation application.

The writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE

//true copy// P.A. to Judge

smv