

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 2301 of 2015 (K)

PETITIONER:

**JAWAHAR MOHAMMED,
S/O.MOHAMMEDKUTTY, MUNDAKATTU HOUSE,
THANALUR P.O., MALAPPURAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505**
- 3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRIVANDRUM-695 001**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R3 BY ADV. SRI.P.C.CHACKO, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 2301 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID
TILL 7/9/2014**
- P2:- TRUE COPY OF THE PROCEEDINGS DTD 24/9/1997**
- P3:- TRUE COPY OF THE RENEWAL APPLICATION DTD 29/4/2014**
- P4:- TRUE COPY OF THE REQUEST DTD 10/6/2014**
- P5:- TRUE COPY OF THE MEMORANDUM IN WPC NO.18468/2014 DTD 17/7/2014
WITHOUT EXHIBITS**
- P6:- TRUE COPY OF THE JUDGMENT IN WPC NO.18468/2014 DTD 30/7/2014**
- P7:- TRUE COPY OF THE PROCEEDINGS DTD 12/11/2014**
- P8:- TRUE COPY OF THE NOTIFICATION DTD 24/1/2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J.
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W.P.(C) No.2301 of 2015 - K
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Dated this the 30th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P7 decision taken by the Regional Transport Authority, Malappuram on 12.11.2014. The petitioner admittedly had a regular permit in the route, Chamravattom - Pattambi, which is now not permissible to be operated upon, since, there is a total exclusion scheme notified by the Government, popularly known as Chelari scheme. The petitioner hence, sought for a curtailment of the objectionable overlap and sought for renewal of the permit between Tirur and Pattambi, which according to the petitioner is permissible as per Section 103 of the Motor Vehicles Act, 1988. The petitioner was before this Court seeking consideration of the same also which was granted by Ext.P6.

2. Subsequent to the imposition of the Chelari

scheme, a cabinet decision was taken to allow temporary permits to the stage carriage operators since, the K.S.R.T.C would take time to operate on all the routes. The said decision was later reviewed which invited criticism from this Court. In such circumstance, the Government withdrew such proposal and at present the Chelari scheme is said to be in full operation. Purportedly in compliance of Ext.P6, a decision was taken which is seen at Ext.P7.

3. The RTA rejected the renewal application of the petitioner, on the ground that, the attendant circumstances would show that, the Government is proposing to amend the Chelari scheme. That may not be a correct view, especially since, even if an amendment is brought; at that point of time, if there is any objectionable overlap, the petitioner could be restricted from operating such route. As of now, the Chelari scheme is in operation and there is an objectionable overlap as far as the regular permit of the petitioner is concerned. The renewal application hence,

necessarily will have to be considered in the varied route proposed by the petitioner, after hearing the K.S.R.T.C. The same shall be done within a period of one month from today. If there is no legal impediment, the renewal has to be granted expeditiously and the permit issued, within a week of the renewal.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //

P.A to Judge.