

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 2699 of 2015 (J)

PETITIONER(S):

**MUHAMMED BASHEER, AGED 43 YEARS,
ANYAKULAM HOUSE, KOTTUVALLY P.O., NORTH PARUR,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

**THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM- 682 030.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE APPROVED TIME AND TRIP SCHEDULE ISSUED TO THE PETITIONER'S SERVICE.

EXHIBIT P2: A TRUE COPY OF THE PROPOSED TIME AND TRIP SCHEDULED IN RELATION TO THE VARIED ROUTE ISSUED TO THE PETITIONER'S SERVICE.

EXHIBIT P3: TRUE COPY OF THE DECISION OF THE RESPONDENT DATED 16.07.2013.

EXHIBIT P4: A TRUE COPY OF THE JUDGMENT DATED 23.08.2014 IN MVAA NO. 409/2013.

EXHIBIT P5: TRUE COPY OF THE DECISION OF THE RESPONDENT DATED 30.10.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K. Vinod Chandran, J.

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W.P.(C)No.2699 of 2015

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Dated this the 2nd day of February, 2015.

JUDGMENT

1. Petitioner is aggrieved with Ext.P5 order. Petitioner was operating on the route Pizhalakadavu-Munambam via Varapuzha. Petitioner's timings settled in the route are produced at Ext.P1. Petitioner sought for some variation, which does not, according to the petitioner, result in any curtailment and results only in change of halting place. In any event, the said variation was considered and rejected by Ext.P3. Petitioner was before the State Transport Appellate Tribunal by Ext.P4, in which, the two grounds raised in Ext.P3 with respect to curtailment and overlapping of notified schemes, were found to have been not considered properly by the authority. The issue was remanded for consideration by Ext.P4 order of the Tribunal.

Petitioner is aggrieved by Ext.P5, passed purportedly in compliance of Ext.P4.

2. A reading of Ext.P5 would show that, the Regional Transport Authority has completely mis-applied the facts, the order speaks of deviation from Vyttila to Thoppumpady and curtailment of route between Vyttila to Aroor. Learned Government Pleader, on instructions, would submit that the RTA is convening a meeting on 13.2.2015 to re-consider the application, noticing the obvious mistake committed in Ext.P5.

3. In such circumstances, only to facilitate such re-consideration, Ext.P5 would stand set aside. The RTA shall consider the issue, in compliance with the directions in Ext.P4 and also after hearing the Kerala State Road Transport Corporation.

Writ petition is disposed off.

K. Vinod Chandran, Judge.

sl.