

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 2879 of 2015 (H)

PETITIONER(S):

- 1. GEEVARGHESE,
KUZHIKADAN HOUSE, KOMBANADU,
PUTHUMANA, PERUMBAVOOR.**
- 2. BIJU, CHATHANKUDY HOUSE, VENGOOR,
PERUMBAVOOR.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA,
REPRESENTED BY ITS SECRETARY. PIN - 686 661**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA, PIN - 686 661.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 2879 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE REGULAR PERMIT HOLDING BY THE 1ST PETITIONER ON
THE ROUTE KOCHUPURAKKALKADAVU- PERUMBAVOOR VALID UP TO
2.4.2016**
- P2- TRUE COOPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS
SEEKING TRANSFER OF PERMIT DATED 16.9.2014**
- P3- TRUE COPY OF THE DECISION OF THE FIRST RESPONDENT DATED
30.10.2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.2879 of 2015 - H

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Dated this the 5th day of February, 2015

J U D G M E N T

The petitioners are aggrieved with the adjournment of the consideration of a joint application for transfer of permit as is indicated in Ext.P3. A reading of Ext.P3 would indicate that, the Regional Transport Authority is awaiting the verification and report of the financial stability of the proposed transferee. Obviously the reason stated is by virtue of Section 71 of the Motor Vehicles Act, 1988, more specifically clause (d) of sub-section (3).

2. Clause (a) to (d) of sub-section (3) of Section 71 deals with a specific instance of restriction being made by the State Government or the Central Government in the matter of limiting of the number of stage carriages generally or for any specified time, operating in city routes in town with a population less than 5,00,000. When such

restriction has been made, limiting the issuance of stage carriage permits, then under clause (b) and (c) there shall be reservation of certain percentage of the stage carriage permits for the Schedule Caste and Scheduled Tribe. Clause (d) takes into consideration the issuance of permits in such restricted grant, after reservation of certain percentage for the Schedule Caste and Scheduled Tribe. Hence, only if there is a limit notified in issuance of stage carriage permits, clause (d) would be applicable and otherwise the rules, as is trite is the grant and the conception is a refusal.

3. In such circumstance, the R.T.A shall consider the joint application at any rate, within a period of two months from today and if it cannot be placed in a meeting, after the expiry of two months, the same shall be considered on circulation within one month thereafter.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE