

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 3011 of 2015 (B)

PETITIONER(S):

**N.ANNAPOORANI
W/O. NACHIMUTHU, MRC ILLAM, NEAR VINAYAKA KOVIL
VELAMTHAVALAM, PALAKKAD.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
PALAKKAD-678 001.**

**2. THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
THIRUVANANTHAPURAM-695 001.**

**R2 BY ADV. SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPN.**

R BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

R BY SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT CORPN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 :** COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY, PALAKKAD HELD ON 1.2.2010 VIDE ITEM NO.54.
- EXT.P2 :** COPY OF THE LETTER NO.C3/99709/2012/P DTD.15.12.2012 ISSUED BY THE FIRST RESPONDENT TO THE SECRETARY, R.T.A.MALAPPURAM.
- EXT.P3 :** COPY OF THE TEMPORARY PERMIT VIDE PERMIT NO.P.TEM.9/1039/2014 DTD.29.8.2014 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- EXT.P4 :** COPY OF THE APPLICATION DTD.5.1.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- EXT.P5 :** COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT AUTHORITY, MALAPPURAM HELD ON 28.5.2014 VIDE ITEM NO.201.
- EXT.P6** COPY OF THE ORDER IN M.V.A.R.P NO. 14/2015 DATED 28.02.15 PASSED BY THE STATE TRANSPORT APPELLATE TRIBUNAL.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.3011 of 2015 - B

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Dated this the 13th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P5 order of the Regional Transport Authority, Malappuram, which rejected concurrence sought for renewal of a regular permit. The rejection was on the basis of the notification in G.O(P) No.73/2013/Trans dated 16.07.2013, where the Fast Passenger services were restricted to the State Transport Undertaking. Any route length exceeding 140 kms. as per Rule 2(oa) of the Motor Vehicles Rules, 1989 also cannot be operated as an ordinary service.

2. In such circumstance, the Rule r/w the notification would not commend the renewal. The petitioner contends that, there was a revision against the rejection, which was allowed by the State Transport Appellate Tribunal (STAT). This Court has perused the

order in M.V.A.R.P No. 14 of 2015 wherein, the rejection was set aside only on the ground that, it is not the principal RTA, which rejected the review of the regular permit but the sister RTA from whom concurrence was sought. In fact a reading of Ext.P5 would indicate that, the sister RTA had merely rejected the request for concurrence and the rejection of the permit would be a natural consequence of such rejection of concurrence.

3. In such circumstance, the petitioner cannot be issued with any temporary permit in the route. The revisional order of the Appellate Tribunal is of no consequence. Since, at present, there is a restriction as seen from Ext.P5 order, the petitioner cannot be permitted to operate in the route having route length of more than 140 kms. either on a regular permit or on a temporary permit. However, it is submitted that, the restriction brought in by the notification is the subject matter of challenge before this Court in connected writ appeals. Definitely, the petitioner's right would be subject to the

decision of this Court in the writ appeals.

Leaving open the remedy to approach the authority on the basis of the decision of the Division Bench of this Court, the writ petition would stand closed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge