

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WP(C).No. 3247 of 2015 (S)

PETITIONER(S):

1. ANOOP P.A. AGED 40 YEARS
ARCHANA, ERANATHODE, VALAMBOOR P.O.
PATTIKKAD VIA, MALAPPURAM DISTRICT - 679 325.

2. AJAY V.M
ULLANOORTHODY HOUSE, PATTAMBI (VIA),
PULASSERY P.O.
KOPPAM, PALAKKAD DISTRICT, PIN - 679 307.

3. ATUL SASIDHARAN
"SIA", PARAL, THALASSERY - 670 671
KANNURDISTRICT.

4. JAICO DAVIS
CHOONDAL HOUSE, PATTIKKAD P.O.
THRISSURDISTRICT - 680 652.

5. JIMMY JOSE
RESIDING AT G245, PANAMPILLY NAGAR,
KOCHI -682 036.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.
SMT.N.C.SALINI
SMT.K.S.SMITHA
SRI.C.RADHAKRISHNAN
SMT.V.S.SANGEETHA

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, TRANSPORT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN
REPRESENTED BY ITS MANAGING DIRECTOR
THIRUVANANTHAPURAM 695 001.

3. THE STATE TRANSPORT AUTHORITY
REPRESENTED BY ITS SECRETARY
MOTOR VEHICLES DEPARTMENT,
HEAD QUARTERS, TRANS TOWERS
VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.

R2 BY ADV. SRI.P.C.CHACKO, SC,
KERALA STATE ROAD TRANSPORT CORPN.
BY GOVERNMENT PLEADER SRI. MANILAL C.S.

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

WP(C).No. 3247 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: TRUE COPY OF THE NOTIFICATION NO.26/08
DATED 20.6.2008 ISSUED BY THE GOVERNMENT OF
KERALA.

EXT.P-2: TRUE COPY OF THE NOTIFICATION
NO.42/2009 DATED 14.7.2009 ISSUED BY THE
GOVERNMENT OF KERALA

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EXT.P-3: TRUE COPY OF THE MINUTES DATED
1.8.2003 OF MEETING OF LINGUISTIC MINORITY
COMMITTEE.

EXT.P-4: TRUE COPY OF THE JUDGEMENT MADE IN WPC
NO.33756/2007 DATED 18.2.2008

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P.C. No. 3247 of 2015 – S
.....

Dated this the 2nd day of February, 2015

JUDGMENT

Shaffique, J.

The present Writ Petition is filed in the form of Public Interest Litigation seeking the following reliefs:

- “i) Issue a writ of certiorari or any other appropriate writ order or quashing Ext. P2 approved scheme published by the Government*
- ii) Issue a writ of mandamus or any other appropriate writ commanding the Ist respondent to formulate revised scheme after conducting surveys as to the actual traffic needs of the traveling public especially covering interstate routes exclusively earmarked for State Transport undertaking before entering into the routes now operated by the private sector.*
- iii) Issue a writ of mandamus or any other appropriate writ*

restraining the 2nd respondent for taking over operation of Super Class services and Fast Passenger services operated by the private operators in the interest of traveling public.

and

iv) to pass such other orders or reliefs as this Hon'ble Court deems fit in the interest of justice”

2. Ext. P1 is a Notification issued by the Government of Kerala by which it is ordered that in exercise of powers conferred under sub-sec. (2) of Section 100 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), a supplementary agreement has been entered into between Government of Kerala and Government of Tamil Nadu. The agreement is made on 26-10-2007. It is inter alia stated as follows:

(a) The new Inter-state routes shown in Annexure I will be operated by Tamil Nadu State Transport Undertakings.

(b) The existing routes operated by Tamil Nadu Operators will be modified as in Annexure - II

(c) The new inter-state routes shown in Annexure III will be operated by State Transport Undertaking of

Kerala

(d) The existing routes operated by Kerala State Transport Undertaking will be modified as in Annexure - IV and

(e) The routes listed in Annexure V operated by Kerala State Transport Undertaking will be deleted.

3. Ext.P2 notification issued as early as on 14-7-2009 detailing various routes in which the schedule has to be operated. In so far as the Scheme has been approved as early as in 2009, petitioner challenges the same only in 2015. Apparently, the relief claimed by the petitioner is barred by delay and laches which cannot be entertained by this Court in this proceedings.

4. Further request of the petitioner is to formulate revised Scheme after conducting survey regarding traffic taking into consideration the need of the public. That apart, the complaint is that the State Transport undertaking is not taking any efforts to enter into a bi-lateral agreement with the State of Tamil Nadu.

5. The reliefs sought for is apparently a policy decision to be taken by the concerned Governments of State of Kerala as well as State of Tamil Nadu in regard to the operation of various interstate routes. Petitioner cannot insist that the agreement should be executed in a form suggested by the petitioner. It is for the authorities to consider whether a particular route has to be operated either by Fast Passenger Services, Super Fast Express or any other form of Transport.

6. It appears that the Kerala State Transport Corporation is operating various routes in and around the State and there are various other private operators as well. It is all being done taking into consideration the need of the public and we cannot sit in judgment over the policy decisions that are taken by the Government in the matter relating to transport undertaking. Petitioner has made complains of multifarious nature which is not germane for consideration with reference to the reliefs sought

for in the Writ Petition.

Under such circumstances, we do not find any merit to consider this as a public interest litigation. Accordingly, this Writ Petition is dismissed.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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/truecopy/

P.S.toJudge