

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4708 of 2015 (K)

NAME AND ADDRESS OF THE PETITIONER(S) :

**FROIDEN DIAZ, AGED 34 YEARS,
S/O.PHILIP DIAZ, HOUSE NO.8/153 (11/153),
CHIRAMMEL HOUSE, THUNDATHUMKADAVU, VARAPUZHA.**

BY ADV. SRI.O.D.SIVADAS

NAME AND ADDRESS OF THE RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM, PIN- 682 030.**
- 2. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT HOUSE, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR-695 001.**

**R1 BY GOVERNMENT PLEADER SRI.R.RANJITH
R2 BY ADV. SRI.P.C.CHACKO, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE TEMPORARY PERMIT DATED 27.09.2014.

**EXHIBIT P2: THE COPY OF THE TIME SHEET ISSUED TO STAGE CARRIAGE
NO.KL 06 C/2276.**

**EXHIBIT P3: THE COPY OF THE JUDGMENT DATED 07.01.2015 IN
W.P.(C).NO.432/2015.**

**EXHIBIT P4: THE COPY OF THE APPLICATION FOR REGULAR PERMIT
DATED 16.01.2015.**

**EXHIBIT P5: THE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
DATED 16.01.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J

W.P.(C).No. 4708 of 2015

Dated 18th February, 2015

JUDGMENT

The petitioner is aggrieved with the non issuance of temporary permit, as applied for at Ext.P5, pending application for a regular permit in the very same route as per Ext.P4. The petitioner initially had applied for a temporary permit in a defaulted vacancy on the route Angamaly-North Paravoor-Kaloor. The same was directed to be considered by Ext.P3 judgment. However, the same was kept pending since there was objectionable overlapping between Angamaly and Kaloor on the route proposed by the petitioner.

2. The petitioner hence did not press that application; however turned round and filed another application at Ext.P4 for regular permit

between Vyttila and North Paravoor. The petitioner's contention is that, there would be no objectionable overlapping since the notified route would be traversed only at the crossing of Edappally junction.

3. The learned Standing Counsel for the KSRTC argues that, the KSRTC also may be heard while the application is considered. In any circumstances, *prima facie*, it is not clear how there could be a Scheme violation between North Paravoor and Vyttila. There could be an overlapping of the notified Scheme only when crossing the Edappally junction.

4. In such circumstances, there shall be a direction to consider Ext.P4 expeditiously and in the meanwhile, consider the temporary permit application at Ext.P5, after hearing the KSRTC

also. Ext.P5 shall be considered at any rate,
within a period of two weeks from today.

Writ petition disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//