

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 9489 of 2015 (I)

PETITIONER(S):

BINU K.B. AGED 45 YEARS
W/O SANTHOSH, CHULLIPARAMBIL HOUSE
P.O KANJANI, THRISSUR

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

1. THE REGIONAL TRANSPORT AUTHORITY, THRISSUR
REPRESENTED BY ITS SECRETARY PIN 680 001

2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, THRISSUR PIN 680 001

R BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9489 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED
20.10.2012

EXT.P1: TRUE COPY OF THE JUDGMENT OF THE STATE TRANSPORT APPELLATE
TRIBUNAL IN MVAA NO.449/2012 DATED 22.9.2014

EXT.P3: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 28.11.2014

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 9489 of 2015

Dated this the 30th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the interpretation given to Ext.P2 judgment of the Tribunal by the RTA in Ext.P3. The petitioner had filed a regular permit application between the route Pulambuzhakadavu - Thrissur, in which there was an overlap of about 2 kms. which, going by the route length, amounted to an objectionable overlap of a notified scheme. The said application has been rejected by Ext.P1.

2. The appellant was before the Tribunal, by Ext.P2 in which it was directed that on the appellant submitting a modified application for regular permit before the RTA, by way of excluding objectionable overlapping of the notified route; the same would be considered after affording a reasonable opportunity of being heard. The petitioner filed modified application on the route Kanjany-

Thriprayar-Pulambuzhakadavu-Thrissur extending the route length which resulted in the 2kms, not amounting to an objectionable overlap. The RTA however, found that since there is no exclusion of the objectionable overlapping, i.e, of the 2kms; the application cannot be considered.

3. The learned Government Pleader also would support the order of the RTA at Ext.P3 on the contention that in Ext.P2, the petitioner has specifically undertaken to remove the objectionable overlapping and he cannot be permitted to increase the route length, so as to bring down the overlapping of the notified route.

4. This Court does not find that the same is a sustainable contention, especially since, the objectionable overlapping to a scheme route is specifically noticed in the scheme and extending the route length would also be a legal method by which the objectionable overlapping can be avoided. However, it is to be noticed that the extension of route length cannot be for one

single route so as to remove the objectionable overlap and there has to be sufficient round trips as the RTA opines on the basis of the ground realities of the need of a service in the said route.

5. In such circumstance, merely for the reason that the 2km overlapping was not removed, the RTA cannot reject the application. Ext.P3 is set aside only on that count. The RTA would consider the application afresh in accordance with the directions above.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

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//true copy//

P.A to Judge