

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. 9505 of 2015 (K)

PETITIONER(S):

**SASEENDRAN,
VARADAYIL HOUSE,
KANGAZHA PO, KOTTAYAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY, IDUKKI,
REPRESENTED BY ITS SECRETARY, IDUKKI - 685 603.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, IDUKKI - 685 603.**

BY (SR) 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:**

vmr

WP(C).No. 9505 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
VALID TILL 18-05-2012.**

EXHIBIT P2: A TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 03-01-2015.

**EXHIBIT P3: A TRUE COPY OF THE APPLICATION FOR VARIATION DATEAD 21-03-2015
WITH COVERING LETTER.**

**EXHIBIT P4: A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT ON THE
CURTAILED ROUTE PONKUNNAM - RAJAKKAD AS LSOS.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

K. VINOD CHANDRAN, J.

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W.P.(C) No.9505 of 2015 - K

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Dated this the 30th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the non-consideration of Ext.P3 application to vary the conditions of permit as also the non-consideration of the temporary permit application at Ext.P4.

2. The brief facts to be noticed are that the petitioner had been carrying on Fast Passenger Service as per Ext.P1 permit, which was valid till 18.05.2012. However, with the introduction of the distance rule, any service having route length of 140 kms. or more, had to be converted into Fast Passenger Service. Hence, the petitioner's permit stood converted as Fast Passenger Service.

3. Yet again, there was a Scheme introduced wherein the Fast Passenger Service were confined to the State Transport Undertaking and the Scheme was upheld

by a learned single Judge of this Court. The Government permitted issuance of temporary permit to Fast Passenger Services pending disposal of the writ appeal, in cases where the renewal application was pending. In such circumstances, the petitioner was also issued with a temporary permit evident at Ext.P2 as a Fast Passenger Service which was valid till 03.01.2015.

4. However, the Government withdrew the said concession and restricted the Fast Passenger Services to the State Transport Undertaking alone. As a consequence, the petitioner was interdicted from operation on the basis of Ext.P2 permit. The petitioner hence, to avoid any confrontation with the Scheme, made an application for variation of the conditions of permit to convert the permit to the category of Limited Stop Ordinary Service and to comply with the distance rule, also sought for curtailment as per Ext.P3. The same is pending consideration and in the meanwhile, the petitioner having stopped the operation as per Ext.P4, only seeks consideration of the temporary

permit application in the curtailed route as a Limited Stop Ordinary Service.

5. This Court does not find any impediment in considering such application especially since the petitioner had been operating on a temporary permit in the very same route having full length of 140 kms., as a Fast Passenger Service. In such circumstance, there would be no difficulty in considering issuance of a temporary permit in the curtailed route. Same shall be done within a week, pending disposal of Ext.P3. Ext.P3 application also shall be disposed of in accordance with law by the 1st respondent.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //

P.A to Judge