

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 10454 of 2015 (F)

PETITIONER(S) :

**SURESH K.,
PARACHALIL HOUSE, MONIPPALLY P.O,
KOTTAYAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM- 682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM- 682 030.**
- 3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM- 695 001.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.R.RANJITH
R3 BY ADV. SRI.P.C.CHACKO, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 10454 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT ON THE ROUTE PALA-ERNAKULAM.

EXHIBIT P2: TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 02.03.2015.

EXHIBIT P3: TRUE COPY OF THE APPLICATION FOR CHANGE OF NATURE OF SERVICE DATED 25.03.2015 WITH CHALAN.

EXHIBIT P4: THE COVERING LETTER ACCOMPANYING EXHIBIT P3 DATED 25.03.2014.

EXHIBIT P5: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT TO OPERATE ON THE ROUTE PALA-ERNAKULAM AS LIMITED STOP ORDINARY SERVICE DATED 25.03.2015 WITH CHALAN.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J.

W.P.(C).No.10454 of 2015-F

Dated this the 31st 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.P5.

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 14.01.2015. 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 and after hearing the KSRTC, by the 1st respondent.

The writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

//true copy//

P.A to Judge