

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10754 of 2015 (T)

PETITIONER :

**A.M.ASHRAF, AGED 57 YEARS,
MUBARAK MANZIL, VANDIPERIYAR P.O., IDUKKI.**

BY ADV. SRI.I.DINESH MENON

RESPONDENTS :

- 1. THE REGIONAL TRANSPORT AUTHORITY, IDUKKI-686603**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
IDUKKI - 685603.**
- 3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM- 695001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE REGULAR PERMIT ON THE ROUTE KOOTTAR - ERNAKULAM.
- P2: COPY OF THE PROCEEDINGS DT 16/8/2010.
- P3: COPY OF THE TEMPORARY PERMIT VALID TILL 7/7/2014.
- P4: COPY OF THE APPLICATION FOR VARIATION T CURTAIL THE EXTENDED PORTION AND THEREBY TO BRING THE PERMIT WITHIN 140 KS.
- P5: THE COVERING LETTER ACCOMPANYING EXHIBIT P4.
- P6: COPY OF THE APPLICATION FOR TEMPORARY PERMIT TO OPERATE ON THE RESTRICTED ROUTE KUMALI- MUVATTUPUZHA AS LIMITED STOP ORDINARY SERVICE.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K.VINOD CHANDRAN, J

W.P.(C).No. 10754 of 2015

Dated 1st April, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of Ext.P4 application to vary the conditions of permit as also the non-consideration of the temporary permit application at Ext.P6.

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 08.11.2010. 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.P3 as a Fast Passenger Service which was valid till 07.07.2014.

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.P3 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.P4. The same is pending consideration and in the meanwhile, the petitioner

having stopped the operation as per Ext.P6, 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.P4. Ext.P4 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

Mrcs

//True Copy//