

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11795 of 2015 (Y)

PETITIONER(S) :

**SHERLY GEORGE,
CHITTAPPANATTU HOUSE, MUNDAKKAYAM P.O,
KOTTAYAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
IDUKKI- 686 603.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI- 685 603.**
- 3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM- 695 001.**

**R1 & R2 BY SR.GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
R3 BY ADV. SRI.P.C.CHACKO, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 11795 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT ON THE ROUTE
MURICKASSERY-CHANGANACHERRY.**

EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS DATED 29.01.2015.

EXHIBIT P3: TRUE COPY OF THE TEMPORARY PERMIT VALID TILL 29.04.2015.

**EXHIBIT P4: TRUE COPY OF THE APPLICATION FOR VARIATION TO CURTAIL
THE EXTENDED PORTION AND THEREBY TO BRING THE PERMIT
WITHIN 138 KMS. 28.03.2015.**

EXHIBIT P5: THE COVERING LETTER ACCOMPANYING EXHIBIT P4.

**EXHIBIT P6: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT TO
OPERATE ON THE RESTRICTED ROUTE THOPRAMKUDY-
CHANGANACHERRY AS LIMITED STOP ORDINARY SERVICE
DATED 28.03.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.VINOD CHANDRAN, J.

W.P.(C).No.11795 of 2015-Y

Dated this the 08th day of April, 2015

J U D G M E N T

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 29.12.2014. 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 evidenced at Ext.P3 as a Fast Passenger Service which was valid till 29.04.2015.

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.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.P5, 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 and after hearing the KSRTC, by the 1st respondent. Necessarily the curtailment would be subject to the challenge made against the scheme restriction.

The writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
Judge

jma

//true copy//

P.A to Judge