

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12025 of 2015 (C)

PETITIONER :

E. SUKUMARAN AGED 61 YEARS,
EDATHIL HOUSE, MELMURINGODI P O
PERAVOOR, KANNUR

BY ADV. SRI.I.DINESH MENON

RESPONDENTS):

1. THE REGIONAL TRANSPORT AUTHORITY, VADAKARA 673 101
2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
VADAKARA 673 101
3. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM 695 001

R1-R2 BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR
R3 BY SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT CORP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO.12025 OF 2015

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE REGULAR PERMIT ON THE ROUTE CHETTIKANDIPALAM-KUTTIADI-PERAMBRA-ATHOLI-KOZHIKODE

EXT.P2: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT TO OPERATE ON THE ROUTE CHETTIKANDIPALAM-KUTTIADI-PERAMBRA-ATHOLI-KOZHIKODE AS LIMITED STOP ORDINARY SERVICE DT 4.4.2015 WITH CHALAN

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K.VINOD CHANDRAN, J.

W.P.(C).No.12025 of 2015-C

Dated this the 10th day of April, 2015

J U D G M E N T

The petitioner is aggrieved with the non-consideration of variation of the conditions of permit as also the non-consideration of the temporary permit application at Ext.P2.

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 20.06.2014. 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.P1 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 also 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.P2. Ext.P2 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