

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

WP(C).No. 13103 of 2015 (K)

PETITIONER(S):

**YOONUS ALI, S/O. YOOSAF HAJI,
VATTATHODI HOUSE, ALANALLUR P.O.,
MANNARKKAD, PALAKKAD DISTRICT.**

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, REPRESENTED BY ITS SECRETARY,
PIN:676 505.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN:676 505.**

BY SR. GOVT.PLEADER SRI.S. JAMAL.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE ROUTE KOZHIKODE-PALAKKAD VALID UP TO 02.05.2015.

EXHIBIT P2: TRUE COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE PETITIONER DATED 07.04.2015.

EXHIBIT P3: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR VARIATION OF CONDITION OF PERMIT BY WAY OF CONVERSION OF SERVICE DATED 10.04.2015.

EXHIBIT P4: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER SECTION 87(1)(D) OF THE MOTOR VEHICLES ACT ON THE ROUTE KOZHIKODE-PALAKKAD DATED 20.04.2015.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C).NO.1300 OF 2015 DATED 16.01.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

K.VINOD CHANDRAN, J.

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W.P.(C).No.13103 of 2015

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Dated this the 28th day of April, 2015

JUDGMENT

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 02.05.2015. However, with the introduction of the distance rule, any service having route length of 140 Kilometers 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 Services 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.P4.

4. However, the Government withdrew the said concession and restricted the Fast Passenger services to the State Transport Undertaking alone. 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, the application of which is pending consideration and in the meanwhile, the petitioner 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 circumstances, 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.

Writ petition disposed of.

**Sd/-
K.VINOD CHANDRAN,
JUDGE.**

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