

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. 13161 of 2015 (U)

PETITIONER :

**MATHEW K.V,
KUNNATHMEENKOLIL HOUSE, V.K. COLONY P.O,
THEVAKKAL,KOCHI -21**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY,
PIN-682 030**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, PIN-682 030**

BY SR GOVERNMENT 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:**

sts

WP(C).No. 13161 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER
ON THE ROUTE KIZHAKKAMBALAM-KOTTAYAM VALID UP TO 6.10.2014**
- EXT.P2: TRUE COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE
PETITIONER DATED 16.9.2014**
- EXT.P3: TRUE COPY OF TRHE APPLICATION SUBMITTED BY THE PETITIONER
FOR VARIATION OF CONDITION OF PERMIT BY WAY OF CONVERSION
OF SERVICE DARED 17.4.2015**
- EXT.P4: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
UNDER SECTION 87(1)(D) OF THE MOTOR VEHICLES ACT ON THE
ROUTE KIZHAKKAMBALAM-KOTTAYAM DATED 24.1.2015**
- EXT.P5: TRUE COPYOF THE JUDGMENT OF THIS HONOURABLE COURT IN
W.P.(C) NO.1300 OF 2015 DATED 16.1.2015**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

K.VINOD CHANDRAN, J

W.P.(C).No. 13161 of 2015

Dated 28th April, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of Ext.P2 renewal application and 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 stage carriage service as per Ext.P1 permit which was valid till 06.10.2014. 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 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 renewal applications were pending.

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 same 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 for permit, 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 issuing a temporary permit in the curtailed route.

Same shall be done within a week, pending disposal of Exts.P2 and P3. Ext.P4 application hence shall be disposed of in accordance with law, by the Secretary RTA, issuing the temporary permit as sought for, if there is no other legal impediment.

Writ petition disposed of.

Sd/-

**K.VINOD CHANDRAN,
Judge**

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