

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 13251 of 2015 (F)

PETITIONER(S):

**N. AISHA, W/O.BABURAJ,
AMBALATHUVILA VEEDU,
NEDUMPANA P.O, KOLLAM.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA - 689 645.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA - 689 645.**
- 3. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM - 695 001.**

**R1 & R2 BY GOVT. PLEADER SMT.K.A. SANJEETHA.
R3 BY ADV. SRI.P.C.CHACKO, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - TRUE COPY OF THE REGULAR PERMIT ON THE ROUTE KORUTHODE - KOLLAM.
- EXT.P2 - TRUE COPY OF THE APPLICATION FOR VARIATION TO DEVIATE THE ROUTE AND THEREBY TO BRING THE PERMIT WITHIN 140 KMS DATED 25-04-2015.
- EXT.P3 - THE COVERING LETTER ACCOMPANYING EXHIBIT P2.
- EXT.P4 - TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT TO OPERATE ON THE DEVIATED ROUTE KORUTHODE - KOLLAM AS LIMITED STOP ORDINARY SERVICE DATED 25-04-2015.
- EXT.P5 - TRUE COPY OF THE JUDGMENT IN WP(C).NO.11795/2015 DATED 08-04-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13251 of 2015

Dated this the 21st day of May, 2015.

JUDGMENT

The limited prayer in this writ petition is for a direction to respondents 1 and 2 to consider the application filed by the petitioner for variation of temporary permit.

2. The petitioner submits that the requirement of variation application and temporary permit is on account of the amendment to the Kerala Motor Vehicles Rules and the scheme, which banned the operation of fast passenger service by private operators. Though the amendment was struck down by a learned Single Judge of this Court, the matter is now pending consideration before the court below. The petitioner prays for a consideration of his application for variation subject to the result of the writ appeal.

3. I have heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for the Kerala State Road Transport Corporation.

Considering the nature of the submissions made in the petition, this Court is of the view that the writ petition can be

disposed of directing the authority concerned to consider the application for variation submitted by the petitioner within a time limit.

Therefore, this writ petition is disposed of directing respondents 1 and 2 to consider Exts.P2 and P4 applications submitted by the petitioner within a period of one month from the date of receipt of a copy of this judgment. To facilitate an earlier action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before the authority concerned. Needless to say, the petitioner as well as the respondents Corporation shall be afforded an opportunity of being heard before a final decision is taken.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.