

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 14625 of 2015 (C)

PETITIONER(S) :

JAIMOL RENI,
PULINILKUMKALAYIL,
KOTHANALLOOR P.O.,
KOTTAYAM.

BY ADV. SRI.G.PRABHAKARAN.

RESPONDENT(S) :

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682 030.

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
VEHICLE KL 36/A 7006.

EXT.P2 THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
VEHICLE KL 67/2400.

EXT.P3 TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 22.4.2015 VEHICLE NO.36/A 7006 ON THE
ROUTE MANIMALA-PAYYAVOOR.

EXT.P4 TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE
RESPONDENT DATED 22.04.2015 VEHICLE NO.KL 67/2400 ON THE
ROUTE MANIMALA-PAYYAVOOR.

EXT.P5 TRUE COPY OF THE JUDGMENT DATED 9.5.2014 IN WP(C)
12157/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14625 of 2015

Dated this the 12th day of June, 2015.

JUDGMENT

Alleging inaction on the part of the respondent in considering Exts.P3 and P4 requests, the petitioner has come up before this Court.

2. The petitioner is the regular stage carriage permit holder operating between Manimala and Payyavoor and now operating with KL 36/A 7006. The petitioner alleges that he is operating another route in opposite direction of the route Manimala and Payyavoor with KL 67/2400. The vehicles KL 36/A 7006 and KL 67/2400 are operating on very long routes as Super Express. However, pursuant to the judgment of a Division Bench of this Court, it has become impossible to operate private stage carriage buses in Kerala, touching the 32 routes coming under the scheme of nationalization of KSRTC which include the portions of permits of the petitioner also. Therefore, the services have come to an abrupt stop. Accordingly, the petitioner submitted a request to the respondent to issue permitless certificate/clearance certificate

to sell the present vehicle or altering as contract carriage vehicle by keeping the permit under suspended animation, till replacement of vehicles are made when becomes permissible.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader on instructions, submitted that the permit expired and the route is already reserved for KSRTC.

As the petitioner's prayer is only for a consideration of Exts.P3 and P4, the writ petition is disposed of directing the respondent to consider Exts.P3 and P4, after affording the petitioner and the KSRTC, an opportunity of being heard, within a period of three weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.