

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 15940 of 2015 (N)

PETITIONER(S):

**P.J. MATHEW, S/O. JOSEPH,
PUNNAKKAPADDAVIL HOUSE,
KAKKAVAYAL P.O., MEENANGADY,
WAYANAD DISTRICT.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
WAYANAD- 673 001.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
WAYANAD-673 001.**

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1: A TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT
DATED 29.03.2014.
- EXHIBIT P2: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
DATED 10.06.2014.
- EXHIBIT P3: A TRUE COPY OF THE REPORT DATED 25.06.2014 OF THE MOTOR
VEHICLES INSPECTOR, WAYANAD.
- EXHIBIT P4: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
DATED 07.10.2014.
- EXHIBIT P5: A TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
DATED 20.02.2014.
- EXHIBIT P6: A TRUE COPY OF THE JUDGMENT DATED 09.12.2014 IN
MVAA NO.266/2014.
- EXHIBIT P7: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
DATED 24.03.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.15940 of 2015

Dated this the 8th day of June, 2015.

JUDGMENT

Aggrieved by the non-consideration of petitioner's application for regular permit in compliance with Ext.P6 judgment of the STAT, the petitioner has come up before this Court.

2. The petitioner alleges that on 29.3.2014, he filed an application for the grant of a regular permit. Ext.P1 application was taken up for consideration on 10.6.2014. The first respondent proceeded to adjourn the matter with a direction to the field officer to submit an additional report detailing the frequency of stage carriages operating on various sectors of the proposed route. On 25.6.2014, the Motor Vehicles Inspector, Wayanad submitted an additional report as sought for by the 1st respondent. Eventually, the matter was reconsidered by the 1st respondent in the meeting held on 7.10.2014. Long after the date of consideration, the petitioner

was served with an order rejecting his application for the time being inter alia on the ground that the portion of the route via Vivekananda Hospital is not serviceable. Ext.P4 was the impugned before the STAT. By judgment dated 9.12.2014, the STAT allowed MVAA No.266 of 2014 and Ext. P4 order of the 1st respondent was set aside. The Tribunal inter alia held that the 1st respondent having already granted a permit on the very same sector cannot take a contrary stand and deny permit to the petitioner. The first respondent was directed to reconsider the matter in the light of the observations made in Ext.P6 judgment. The application was boarded up for consideration in the meeting of the 1st respondent held on 24.3.2015 and order reserved. Now, more than two months after the date of consideration, the petitioner is served with a order of the first respondent again adjourning the matter for getting a detailed report from the second respondent regarding the present condition of the road.

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

3. The learned Government Pleader, on instructions, submitted that though Ext.P5 proceedings was issued, timings were not settled on account of the bad condition of the road. The learned Government Pleader also invited my attention to Ext.P7 that the present condition of the road has not been reported by the RTA.

4. This Court by interim order dated 4th June 2015, directed the learned Government Pleader to get instructions directly from the PWD authorities concerned regarding the present condition of the road as well as the number of carriages operating in the same road as on date.

5. The learned Government Pleader, today on instructions submitted that good number of stage carriages are being operated along the route. Therefore, there is no reason why the petitioner should be singled out.

Therefore, the writ petition is disposed of directing the respondents to consider and pass orders on Ext.P1 in the light of Ext.P6 judgment of the STAT, after affording the petitioner an opportunity of being heard, within a period of two 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.