

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 16785 of 2015 (W)

PETITIONER:

**SULFICKER,
S/O. UMMER KOKKADAN HOUSE,
ALLAPRA, PERUMBAVOOR,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA - 686661.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA - 686661.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 16785 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: A TREU COPY OF REGULAR PERMIT ISSUED TO KL-40/K 1704.

EXT P1(A): A TRUE COPY OF THE REGULAR PERMIT ISSUED TO KL 40/J6342.

EXT P1(B): A TRUE COPY OF REGULAR PERMIT ISSUED TO KL 40/K 4495.

EXHIBIT P2: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
DATED 13.2.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16785 of 2015

Dated this the 10th day of June, 2015.

JUDGMENT

Aggrieved by the indefinite adjournment of the application submitted by the petitioner for regular permit on the route between Perumbavoor and Kothamangalam, the petitioner has approached this Court.

2. The petitioner is a stage carriage operator. As on date, he holds three regular stage carriage permits, which were granted and issued by the respondents herein. The petitioner alleges that he has submitted an application for a fresh regular permit to operate between Perumbavoor and Kothamangalam and the same has been indefinitely adjourned by the first respondent merely on allegations raised by certain en route operators on the ground that the proposed route is oversaturated with stage carriages and that the petitioner is regularly engaged in trafficking in permits.

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 submits that the non-consideration of the application was on the basis of over saturation as well as the trafficking in permits. Over saturation is not a valid ground for denying the permit and the question of trafficking in permits does not arise because of the provisions of the amended Act.

5. Therefore, this Court is of the definite view that the matter requires an urgent attention by the second respondent.

In the result, the writ petition is disposed of directing the second respondent to consider and pass final orders on the application submitted by the petitioner for fresh regular permit 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 second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.