

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 21100 of 2012 (J)

PETITIONER(S):

**S. SREEDHAR, AGED 30 YEARS,
S/O.SIVAPPA GOWDA, SECRETARY,
PANCHAMI ARTS & SPORTS CLUB,
REGISTRATION NO.228/2011, PADAPPU P.O., SHANKARAMPADY,
KASARAGOD, PIN - 671 541.**

**BY ADVS.SRI.K.V.GOPINATHAN NAIR
SMT.G.CHITRA**

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KASARAGOD, REPRESENTED BY ITS SECRETARY, PIN - 671 121.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KASARAGOD, PIN - 671 121.**
- 3. MOHAMMED KUNHI.C.A.,
S/O.C.A.ABOOBACKER, CHUNDUVALAPPIL HOUSE,
VIDYANAGAR P.O., KASARAGOD, PIN - 671 123.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL
R3 BY ADV. SRI.P.DEEPAK**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** TRUE COPY OF THE ROUGH SKETCH OF THE ROUTE.
- EXHIBIT P2:** TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 07.03.2012.
- EXHIBIT P3:** TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 07.03.2012.
- EXHIBIT P4:** TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C).NO.12741/2012 DATED 04.06.2012.
- EXHIBIT P5:** TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 20.07.2012.
- EXHIBIT P6:** TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 20.07.2012.
- EXHIBIT P7:** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE MEMBER, KUTTIKOLE GRAMA PANCHAYATH DATED 07.06.2012.
- EXHIBIT P8:** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PRESIDENT, KARADUKA BLOCK PANCHAYATH DATED 07.06.2012.
- EXHIBIT P9:** TRUE COPY OF THE LETTER OF THE PRESIDENT, PANCHAMI ARTS & SPORTS CLUB, PADAPPU, P.O.SANKARAMPADY DATED 12.11.2012.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R3(A):** TRUE COPY OF THE MEMORANDUM OF ASSOCIATION OF PANCHAMI ARTS & SPORTS CLUB.
- EXHIBIT R3(B):** TRUE COPY OF THE BYE LAW OF PANCHAMI ARTS & SPORTS CLUB.
- EXHIBIT R3(C):** TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED TO STAGE CARRIAGE KL-14-D-7497 EVIDENCING GRANT OF EXEMPTION FROM PAYMENT OF MOTOR VEHICLE TAX FOR THE PERIOD FROM 01.10.2010.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

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W.P.(C) No.21100 of 2012 - J

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Dated this the 5th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with the order of the Regional Transport Authority (RTA) passed at Ext.P6. The petitioner apprehends that the curtailment sought for by the 3rd respondent, which was rejected, would be obtained on settlement of timings. The 3rd respondent is a person, operating on the route Kasaragod - Erinhipuzha - Kuttikole - Bandaduka - Manimoola. The operators sought for curtailment between Bandaduka to Manimoola and an extension from Bandaduka to Valanthode. The RTA initially by Ext.P3 refused the curtailment, but granted extension. The petitioner who is affected by the curtailment was before this Court earlier by Ext.P4. Ext.P4 directed fresh consideration of the issue.

2. In fact, going through the sketch produced at Ext.P1, Manimoola and Valanthode are in two different

directions and it is not clear as to how there could be an extension without granting curtailment. Even when the issue was remanded by Ext.P4, again the curtailment was rejected, but, however, an extension granted. The impracticability of such extension being operated upon, without curtailment is agitated before this Court by the petitioner. In fact, the petitioner supports the rejection of the curtailment and apprehends that, on the basis of the extension granted, the trips between Bandaduka and Manimoola would not be operated. Definitely, a practical solution will have to be devised by the RTA. In such circumstance, Ext.P6 would stand set aside and there shall be a direction to the RTA to consider the application of the 3rd respondent afresh with notice to the petitioner and arrive at a practical solution.

The writ petition would stand allowed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A To Judge.