

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 17959 of 2015 (T)

PETITIONER(S):

1. J.ARAVINDAN, S/O. JANARDHANAN,
RESIDING AT VASANTHALAYAM,
THAMARAKULAM, KOLLAM - 01.
2. BALACHANDRAN PILLAI, S/O.VASU PILLAI,
RESIDING AT MOHANALAYAM,
ASHTAMUDI P.O, KOLLAM.

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

1. THE DISTRICT COLLECTOR & CHAIRMAN,
REGIONAL TRANSPORT AUTHORITY, KOLLAM 691 001.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOLLAM - 691 001.
3. THE CIRCLE INSPECTOR OF POLICE, KUNDARA - 691 501.
4. VARGHESE P, JOE BHAVAN, KOTTAPURAM,
MULAVANA, KOLLAM - 691 601.
5. SREEKUMAR, 2/125, JAYASREE BHAVAN, THRIKKARUVA,
NJARAKKAL, PERINADU.P.O., KOLLAM - 691 601.
6. LALITHA BAI, PUNNARAM, KRISHNA VILASAM,
CHEMMAKKADU P.O, KOLLAM 691 301.
7. ANEESH, 1095A, ATHIRA, CHEMMAKKADU P.O,
KOLLAM - 691 601.
8. HASSAN NOUSHAD, PUNNARAM, BHOOTHAKULAM,
PARAVOOR, KOLLAM - 691 301.
9. SINDHU, PRANAVAM, KAYAVELLY P.O, KOLLAM - 691 613.

R1 TO R3 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : A TRUE COPY OF THE PERMIT ISSUED TO KL-17/C 3669 TO OPERATE VIA PUNAMUKKU.

EXT.P1(A) : A TRUE COPY OF THE PERMIT ISSUED TO KL-17/A 2064 TO OPERATE VIA PUNAMUKKU.

EXT.P1(B) : A TRUE COPY OF THE PERMIT ISSUED TO KL-02/Z 3110 TO OPERATE VIA PUNAMUKKU.

EXT.P1(C) : A TRUE COPY OF THE PERMIT ISSUED TO KL-05/S 3204 TO OPERATE VIA PUNAMUKKU.

EXT.P1(D) : A TRUE COPY OF THE PERMIT ISSUED TO KL-02/Z 7383 TO OPERATE VIA PUNAMUKKU.

EXT.P1(E) : A TRUE COPY OF THE PERMIT ISSUED TO KL-02/AG 3519 TO OPERATE VIA PUNAMUKKU.

EXT.P1(F) : A TRUE COPY OF THE PERMIT ISSUED TO KL-02/S 302 TO OPERATE VIA PUNAMUKKU.

EXHIBIT P2 : A TRUE COPY OF THE JUDGMENT DATED 19-01-2004 IN WPC NO 206 OF 2004.

EXHIBIT P3 : A TRUE COPY OF THE COMPLAINT DATED 21-08-2014 OF THE 2ND PETITIONER ADDRESSED TO THE 1ST RESPONDENT.

EXHIBIT P5 : A TRUE COPY OF THE COMPLAINT DATED 21-08-2014 OF THE 2ND PETITIONER ADDRESSED TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17959 of 2015

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Dated this the 16th day of June, 2015

JUDGMENT

The petitioners are seeking a direction to respondents 1 to 3 to dispose of Exts.P3 to P5 complaints in a time bound manner.

2. The petitioners are stage carriage operators. The respondents 4 to 9 are also stage carriage operators. They have been issued with permits to conduct service on routes traversing Kollam-Kundara via Punamukku sector. According to the petitioners, the above line of travel via Punnamukku is relatively circuitous compared to the direct route via Kundara-Mukkada. They allege that for that reason, there is a tendency on the part of the stage carriage operators holding permits to operate via Punnamukku to illegally deviate their stage carriage via Kundara-Mukkada.

3. The petitioners further allege that this Court on an earlier occasion had intervened in the matter and by Ext.P2, directed the

authorities concerned to take appropriate steps to curb the illegal and unauthorised deviation of the stage carriages and also to initiate measures to cancel the permits itself. However, the respondents 1 to 3 are refusing to take action against the respondents 4 to 9 on the specious plea that the latter are not parties to Ext.P2 judgment.

4. The petitioners further allege that respondents 4 to 9 are the transferee permit holders of the respondents 3 to 7 in Ext.P2 and are, therefore, bound in equal measure by the directions issued by this Court and in any event the respondents 1 to 3 are duty bound to ensure that the provisions of the regulatory statute are enforced uniformly. However, respondents 4 to 9 are deviating their stage carriage with impunity and the authorities concerned are not taking any action.

5. Arguments have been heard.

Considering the nature of the relief sought for and the submission made, this writ petition is disposed of directing the

respondents 1 to 3 to consider and take appropriate action on Ext.P3 to P5 complaints submitted by the petitioners 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 petitioners to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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