

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18193 of 2015 (Y)

PETITIONER(S):

**GEETHA THILAKAM, W/O.SREEKANTAN,
GEETHA BHAVAN, KALLUVATHUKKAL P.O, KOLLAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM - 691 001.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOLLAM - 691 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE REPORT OF THE FIELD OFFICER.**
- P2 - TRUE COPY OF THE PROCEEDINGS DATED 12.8.2014**
- P3 - TRUE COPY OF THE JUDGMENT DATED 19.12.2006 IN WA NO.1210/2006**
- P4 - TRUE COPY OF THE JUDGMENT IN NO.4499/2010 DATED 5.03.2014**
- P5 - TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO.9466/2007**
- P6 - TRUE COPY OF THE JUDGMENT DATED 26.11.2014 IN MVAA 260/2014 OF THE TRIBUNAL**
- P7 - TRUE COPY OF THE PROCEEDINGS DATED 9.12.2014**
- P8- TRUE COPY OF THE PROCEEDINGS DATED 27.2.2015**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18193 of 2015

Dated this the 23rd day of June, 2015

J U D G M E N T

Seeking a positive direction to respondents to grant regular permit, the petitioner has come up before this Court.

2. The petitioner submitted an application for regular permit, which was rejected by the RTA. Thereafter, the order of the RTA was set aside by the State Transport Appellate Tribunal as per Ext.P6 order. The petitioner points out that the issue regarding the scheme is being answered in Ext.P3 judgment and the subject matter of the case also has been answered by this Court in Ext.P4 judgment. Though an appeal was filed before the apex court against the order, it was also dismissed. In the circumstances, the tribunal directed the matter to be reconsidered in the light of Ext.P3 order of this Court. The petitioner is aggrieved by the repeated adjournments of the application for regular permit. According to the petitioner, there is no justification for adjourning the application on each and every occasion; and the RTA, being a quasi judicial authority, is bound to

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implement the order of the tribunal. She further alleges that the RTA virtually adjourned the application on the ground that there is no direction to grant regular permit to the petitioner. According to her, the authority cannot sit over the decision of the Tribunal and take its own decision ignoring the directions issued by the tribunal. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the facts and circumstances of the case, the writ petition is disposed of directing the Regional Transport Authority to take a final decision in the matter taking note of Exts.P3, P4 & P6 within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-