

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C) .No. 19224 of 2015 (C)

PETITIONER(S) :

MUHAMMED NIYAZ,
ELAVAN CHALIL, KODUVALLY.

BY ADV. SRI.STALIN PETER DAVIS.

RESPONDENT(S) :

THE REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE,
REPRESENTED BY ITS SECRETARY,
PIN- 673 001.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE JUDGMENT OF TRIBUNAL MVAA 15/15 DT. 25.2.15.

EXT. P2- TRUE COPY OF THE PROCEEDINGS DT. 5.5.15 OF THE RESPONDENT DECLINING
VARIATION BY PIECE MEAL.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.19224 of 2015

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Dated this the 29th day of July, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to grant variation in respect of his stage carriage operating on the route Pulluparampara Kozhikode via Thiruvambady to Omassery and Puthur untrammelled by Ext.P2.

2. The permit was granted in respect of stage carriage bearing Reg. No.KL-09/W 4650 to operate between the aforesaid route. The vehicle was later replaced by KL-57/L 3999. The permit is valid upto 15.09.2018. The petitioner applied for variation of permit by requesting additional first trip from REC to Punnakkal via Karuvampoyil Koduvally and last trip to Thiruvambady to REC via Koduvally Karumpoyil and curtailment of last trip to Thiruvambady to Punnakkal. The matter was enquired by the Motor Vehicle Inspector. Though the Sub Regional Transport Officer, Koduvally recommended for additional trips, curtailment of trips from Thiruvambady to Punnakkal was not recommended. The matter was placed before the RTA, Kozhikode which in its meeting on 14.11.2014 rejected the permit variation application; it is alleged.

3. The petitioner took the matter in appeal before the STAT as MVA No.15/2015 wherein the decision of the RTA was set aside and the Secretary was directed to consider the variation afresh. Accordingly, the matter was placed again before the RTA on 5.5.2015 and the RTA granted two additional trips, subject to settlement of timings, and rejected the request for trip curtailment from Thiruvambady to Punnakkal, since such curtailment would adversely affect the travelling public.

4. Now the petitioner's prayer is to direct the respondent to grant variation as applied for in its meeting by circulation.

5. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader who had filed a statement in the writ petition.

6. Ext.P1 is the judgment of the STAT in MVA No.15 of 2015. The judgment was pronounced on 22.5.2015. What could be discerned from Ext.P1 is that the RTA was directed to consider the request afresh in the light of the facts reported by the Enquiry Officer and, if necessary, after calling for any further report and also after affording a reasonable opportunity to the petitioner.

7. It was pursuant to Ext.P1, Ext.P2 was passed by the RTA on 5.5.2015 taking into account the direction in Ext.P1 judgment and

granted variation subject to the settlement of timings. However, the curtailment was rejected.

8. As what was directed in Ext.P1 judgment was only to consider the report of the Enquiry Officer without insisting for getting NOC from the outgoing vehicle, without any challenge against the said judgment, the petitioner is not entitled to the relief prayer for in the writ petition.

In the result, the writ petition fails and accordingly, it is dismissed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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