

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 20792 of 2015 (Y)

PETITIONER(S):

**HASSAN,
S/O.KOMU KOTTA VADAKEEL, VADAKEEL HOUSE,
CHIRAYHIL.P.O., MALAPPURAM.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM,
PIN - 676 505.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 20792 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE REGULAR PERMIT HOLDING BY THE PETITIONER
ON THE ROUTE MUNDUMUZH - KOZHIKODE VALID UP TO 8.6.2019.**

**EXT.P2: TRUE COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT
AUTHORITY, MALAPPUAM DTD. 4.2.2015 IN ITEM NO.34 GANTING
VARIATION OF PERMIT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20792 of 2015

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Dated this the 3rd day of August, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to implement Ext.P2.

2. The petitioner is the holder of Ext.P1 regular permit to operate service on the route between Mundumuzhi and Kozhikode in respect of stage carriage bearing No.KL-10/AB 5458. The regular permit is valid upto 8.6.2019. The petitioner obtained the permit by way of transfer allowed by the respondent authority. The petitioner alleges that at present, his service is operating as a limited stop ordinary service.

3. The petitioner further alleges that there were representations before the authorities from the public that if the service is operated as ordinary service, the same would be beneficial to them. Therefore, the petitioner filed application for changing the category of service as

ordinary service. By Ext.P2, the Regional Transport Authority found that the same was beneficial and, therefore, granted the application. While granting the same, the normal condition regarding settlement of timing is incorporated.

4. However, it is stated in Ext.P2 that the same is as per Order No.D3/875/STA/2011 dated 8.11.2011. According to the petitioner, the said circular is not at all implemented, at present, in view of the direction of this Court and the varied permit has to be issued by the respondent with the timings which have to be settled without insisting on the above circular. There is failure on the part of the respondent in performing their statutory duty. It is with this background, the petitioner has approached this Court.

5. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader in the matter.

6. The learned Senior Government Pleader would submit that the petitioner is seeking a direction not to insist enforcement of

Circular No. D3/875/STA/2011 dated 8.11.2011 of STA regarding their running time.

Considering the nature of the submission, this writ petition is disposed of directing the respondent to implement Ext.P2 within a period of two weeks from the date of receipt of a copy of this judgment, subject to whatever riders contained in Ext.P2, in accordance with law.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj