

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 20961 of 2015 (U)

PETITIONER :

**RADHAKRISHNAN,
S/O NARAYANA MOOTHAN, KARIYAR HOUSE,
CHETHALLUR P.O.,MANNARKKAD, PALAKKAD.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS SECRETARY -678 001**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD -678 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 20961 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE APPLICATION FOR VARIATION DATED 19/3/2012

**EXT.P2: TRUE COPY OF THE JUDGMENT IN WPC.NO. 15269 OF 14,
DATED 25/6/2014**

**EXT.P3: TRUE COPY OF THE DECISION OF THE REGIONAL TRANSPORT
AUTHORITY, PALAKKAD AT ITS MEETING HELD ON 12/2/2015**

EXT.P4: TRUE COPY OF THE REPORT OF THE FIELD OFFICER.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20961 of 2015

Dated this the 16th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the respondents to grant variation as applied for by the petitioner in the light of Ext.P4 report.

2. The petitioner, who is a stage carriage operator, operating on the route between Muriyankannikadavu and Perinthalmanna, preferred an application for variation, which included two portions, one extension from Muriyankannikadavu to Cherplasserri via Vadakken Vellinechi and Mangode covering a distance of 10 km and from Muriyankannikadavu to Panamkunnu. The variation also included curtailment of certain trips. The application for variation was rejected, against which an appeal was filed before the State Transport Appellate Tribunal. The tribunal allowed the appeal in favour of the appellant and remitted the matter back for fresh consideration.

..2..

Thereafter, the matter was placed before the RTA and it required the Field Officer to conduct an enquiry, based on which an enquiry report was submitted stating that the variation sought for is in public interest and emergent orders are required. The petitioner's grievance is that the variation is not being granted in spite of the existence of the report of the Field Officer. Hence, this writ petition.

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

4. The learned senior Government Pleader, on instructions, submitted that the next RTA meeting is scheduled to be held on 27.07.2015 and the petitioner's item is included as the supplementary item.

5. In answer to the same, the learned counsel for the petitioner submitted that the petitioner is running from pillar to post from 2012 onwards; and if his request is considered as a supplementary item, he will lose the chance of getting the timings as sought for in the application.

..3..

In the light of the submission that the petitioner is running from pillar to post from 2012 onwards, the 2nd respondent is directed to consider Ext.P1 application of the petitioner in the light of Ext.P4 report in the next timing conference as the first item after affording the petitioner and the affected operators an opportunity of being heard. Till that exercise is completed, the timings sought for shall not be disturbed if not already allotted.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-