

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 21472 of 2015 (H)

PETITIONER:

VASANTHY A.N,
W/O.SATHYAN, KARIYEZHATH HOUSE,
PERINJANAM, THRISSUR.

BY ADV. SRI. I. DINESH MENON

RESPONDENT(S):

1. THE REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680 001.
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
THE REGIONAL TRANSPORT AUTHORITY, THRISSUR - 680 001.

BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21472 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE JUDGMENT IN APPEAL NO.119 OF 2012 OF THE
STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM DATED
29.11.2014.**

**EXHIBIT-P2: TRUE COPY OF THE DECISION OF THE R.T.A. THRISSUR HELD ON
12.03.2015.**

**EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN W.P.C.NO.9489 OF 2015 DATED
30.03.2015.**

**EXHIBIT-P4: TRUE COPY OF THE JUDGMENT IN W.P.C.NO.13633 OF 2015 DATED
09.06.2015.**

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

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SHAJI P. CHALY, J.

W.P.(C). No.21472 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

Petitioner, an applicant seeking grant of a regular permit on the route Moonnupeedika-N.Parur, which application was rejected stating that overlapping is above the permissible limit. The said order of the authority was challenged before the State Transport Appellate Tribunal, Ernakulam in Appeal No.119 of 2012 wherein the Appellate Tribunal has disposed of the appeal, giving liberty to the petitioner to submit a modified proposal to exclude the objectionable overlapping. Even though the petitioner submitted a modified proposal, the same was also rejected by the authority stating that there is still overlapping of 7 Kms out of 8 Kms in Ernakulam District and 2.5 Kms out of 43.5 Kms. in Thrissur District.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. Learned Government Pleader on instructions submits that the overlapping is still objectionable in spite of the modified

proposal submitted by the petitioner and therefore, in accordance with the scheme launched by the Government and the terms of the Act and Rules, seeking of grant of permit cannot be sustained. On the other hand, learned counsel for the petitioner submits that so far as his application for grant of permit with the respondent - Regional Transport Authority, Thrissur is concerned, the same is not overlapping beyond the permissible limit under the scheme. He further submits that so far as the overlapping in Ernakulam District is concerned, petitioner is entitled to get a counter signature only if that objectionable distance is excluded.

4. After evaluating and appreciating the facts and circumstances of the case, I feel that the respondent - Regional Transport Authority, Thrissur can consider the application of the petitioner for grant of regular permit taking into account the overlapping that is existing only in Thrissur District. I feel that such a direction can be issued since the petitioner can operate in Ernakulam District only after acquiring the counter signature from the RTA, Ernakulam.

Therefore, I set aside Ext.P2 and direct the respondent to re-consider the application of the petitioner, after providing an opportunity of hearing to the petitioner, within a period of three weeks from the date of receipt of a copy of this judgment.

Sd/-

SHAJI P. CHALY
JUDGE

smv