

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. 21635 of 2015 (D)

PETITIONER:

**SUDHEER. S,
KILIYANVILAKOM, VAKKOM P.O,
VAKKOM, THIRUVANANTHAPURAM.**

BY ADV. SRI. O.D. SIVADAS

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL) ATTINGAL - 695 101.**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL) ATTINGAL - 695 101.**
- 3. D. SANTHOSH KUMAR, R.K.V. MOTORS, ATTINGAL.**
- 4. KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR - 695 001.**

**R1 & R2 BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R3 BY ADV. SRI.MILLU DANDAPANI
R4 BY ADV. SRI. P.C.CHACKO, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P-1: TRUE COPY OF THE AGENDA ALONG WITH DECISION IN RESPECT OF THE PETITIONER.

EXT. P-2: TRUE COPY OF THE AGENDA ALONG WITH DECISION IN RESPECT OF THE 3RD RESPONDENT.

EXT. P-3: TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT WITH CHALLAN DATED 02.07.2015.

RESPONDENT(S)' EXHIBITS

EXT. R-3 (a): TRUE COPY OF THE ROUGH SKETCH SHOWING THE COMMON SECTOR AS WELL AS THE OBJECTIONABLE OVERLAPPING PORTION OF THE PETITIONER.

EXT. R-3 (b): TRUE COPY OF THE RELEVANT EXTRACT OF THE DECISION IN THE MEETING HELD ON 18.04.2015 AS ITEM NO. 31.

EXT. R-3 (c): TRUE COPY OF THE RELEVANT EXTRACT OF THE DECISION IN THE MEETING HELD ON 18.04.2015 AS ITEM NO. 2.

EXT. R-3 (d): TRUE COPY OF THE COVERING LETTER DATED 13.07.2015 DULY ACKNOWLEDGED BY THE SECRETARY.

//TRUE COPY//

P.A. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21635 of 2015

Dated this the 3rd day of August, 2015

JUDGMENT

The petitioner is aggrieved by the adjournment of the petitioner's application for regular permit on the route Attingal - Varkala.

2. The petitioner alleges that the Regional Transport Authority, being a quasi judicial authority, has to act in an impartial manner in the matter of granting regular permit to the operators. Though overlapping of the notified sector in respect of the route sought by the petitioner as well as the 3rd respondent is only 50 meters, the Regional Transport Authority adjourned the application submitted by the petitioner stating untenable reasons and at the same time, the very same Regional Transport Authority granted regular permit to the 3rd

respondent, it is alleged. It is pointed out that since the petitioner's application is first in point of time, naturally he is entitled to get priority while convening timing conference. Since the application submitted by the 3rd respondent is on the similar route and the timing suggested by him is also similar to that of the petitioner, the petitioner would not be in a position to object the said timing. It is also alleged that the decision of the Regional Transport Authority made in the instant case is an arbitrary exercise of power and therefore the same is liable to be interfered with by this Court. According to the petitioner, only to defeat the claim of the petitioner for the timing, Ext.P2 has been rendered by the Regional Transport Authority in an illegal manner. The petitioner had already moved an application for temporary permit on the route covered by Ext.P1 proceedings. The route length of the petitioner's service is only 23 Kms and there is no legal impediment in granting regular permit to the

petitioner, it is alleged. The petition prays that since his application has been adjourned unnecessarily, to obtain the priority, the respondents be directed that the petitioner's application for temporary permit be granted in the interest of justice and also the grant made in favour of the 3rd respondent may not be enforced till regular permit is granted to the petitioner.

3. I have heard the learned counsel for the petitioner, learned senior Government Pleader, learned counsel for the 3rd respondent and the learned Standing Counsel for the 4th respondent Corporation.

4. Today when the matter came up for hearing, the learned counsel for the petitioner submitted that, the RTA meeting is scheduled to be held on 11.08.2015, the petitioner is satisfied if there is a direction to consider his request for regular permit in that meeting.

5. Considering the entire facts and circumstances, this writ petition is disposed of directing that the

application submitted by the petitioner for regular permit before the 1st respondent be considered in the meeting scheduled to be held on 11.08.2015 and the same shall be disposed of in that meeting itself after availing petitioner and affected parties including respondents 3 and 4, an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

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