

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 21682 of 2015 (I)

PETITIONER :

**GEETHA THILAKAM, W/O.SREEKANTAN,
GEETHA BHAVAN, KALLUVATHUKKAL P.O.,
KOLLAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**1. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL), ATTINGAL-695 101.**

**2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL), ATTINGAL- 695 101.**

***ADDL.R3 IMPEADED**

***Addl.R3. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.**

***ADDL.R3 IS SUO MOTU IMPEADED AS PER ORDER DATED 22.07.2015.**

**R1 & R2 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA
ADDL.R3 BY ADV. SRI.P.C.CHACKO, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 21682 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE REPORT OF FIELD OFFICER.

EXHIBIT P2- TRUE COPY OF THE PROCEEDINGS DATED 18/04/2015.

**EXHIBIT P3- TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED
10/07/2015.**

**EXHIBIT P4- TRUE COPY OF THE JUDGMENT IN WPC NO.29134/2014 DATED
10/11/2014 OF THIS HON'BLE COURT.**

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

/TRUE COPY/

P.A.TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21682 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

Aggrieved by the non issue of regular and temporary permits, the petitioner has come up before this Court.

2. The petitioner applied for regular permit on the route between Parippally and Kappil. According to the petitioner, the said route is transversing through ill served area and there is no objectionable overlapping of the notified sector. Pursuant to the application for regular permit, the Field Officer conducted an enquiry and submitted Ext.P1 report, which states that the total route length is 20.4 km and the overlapping is only 800m, i.e., far less than the permissible limit. In the light of Ext.P1, the permit sought by the petitioner is to be granted by the RTA; according to the petitioner. The application for regular permit was considered in the meeting of the RTA in the meeting held on 18.04.2015 and was adjourned for

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further report; it is alleged. According to the petitioner, there is no justification for seeking a further report in the matter since Ext.P1 report is very clear. The petitioner further alleges that the applications submitted by others for regular permit were considered and granted by the RTA; and virtually, the petitioner has been denied regular permit. According to her, on account of the above, she would be losing the timings suggested by her and those timings would be allotted to other operators. She further alleges that there is foul play and favoritism done by the authority in the matter of granting regular permit. On account of the festival season, the petitioner moved Ext.P3 application for temporary permit for four months' duration on the very same route. She further points out that the grant of temporary permit would be highly beneficial to the travelling public. As the 2nd respondent has not passed any order on Ext.P3, the petitioner has approached this Court.

3. When the matter was taken up for hearing, the

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KSTRC was suo moto impleaded as additional 3rd respondent, who filed a counter affidavit stating as follows;

The petitioner applied for a regular permit on the route, Parippally - Kappil, and the total length is 20.4 km, out of which 800 mtrs from Parippally to Mukkada overlaps notified route Thiruvananthapuram - Kannur vide notification No.42/2009/Trans dated 14.7.2009. As per clause 5(c) of the above notification, permit can be issued if overlapping is 5 km or 5% of the route length whichever is less. As per Ext.P2 order, the application for regular permit has been adjourned. Therefore, the RTA has to take a decision in this matter. The KSRTC is conducting large number of services on the very same route and in the case of granting permit to the petitioner, timing has to be settled avoiding clash with the service of the KSRTC.

4. Heard the learned counsel for the petitioner, the learned Standing Counsel for the 3rd respondent and

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the learned Government Pleader in the matter.

5. In the light of the stand taken by the KSRTC, this Court is of the view that there can be a direction to the 1st respondent to consider Ext.P2 decision in the next RTA meeting scheduled to be held on 11.08.2015 after affording the petitioner and the KSRTC an opportunity of being heard and to pass final orders thereon without fail.

Therefore, the writ petition is disposed of directing the 1st respondent to consider Ext.P2 decision in the next meeting scheduled to be held on 11.08.2015 without fail after affording the petitioner and the KSRTC an opportunity of being heard and to pass final orders thereon without fail. As the petitioner has also applied for temporary permit as per Ext.P3, the same shall be considered and orders shall be passed thereon within a period of two weeks granting temporary permit if it is otherwise in order and there is no legal impediment.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-