

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No.21715 of 2015 (L)

PETITIONER:

**SHIVASHANKARAN,VATHYAMPARAMBATH HOUSE,
CHENGARA,PATTIMATTOM P.O.**

BY ADV. SRI.P.DEEPAK

RESPONDENT'S:

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 21715 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:

- P1: A TRUE COPY OF THE ROUTE ENQUIRY REPORT DATED 19/7/2014.**
- P2: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT DATED 5/8/2014.**
- P3: A TRUE COPY OF THE JUDGMENT DATED 14/11/2014 IN WPC NO.30127/2014.**
- P4: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
DATED 13/2/2015.**
- P5: A TRUE COPY OF THE JUDGMENT DATED 16/5/2015 IN MVA NO.116/2015.**
- P6: A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT
DATED 16/6/2015 WITH PROPOSED TIMINGS**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

SMJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21715 of 2015

Dated this the 20th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the second respondent to issue temporary permit on Ext.P6 application so as to commence operation pending issue of regular permit in compliance with Ext.P5 judgment.

2. On 27.6.2014, the petitioner applied for a regular permit to conduct service on the route between Pattimattom and Thrippunithura via Medical College. The petitioner alleges that in Ext. P1 route enquiry report, the field officer concerned recommended the immediate introduction of the proposed service. It was also categorically reported that there is no legal impediment whatsoever in sanctioning the permit as applied for. Nevertheless, by Ext.P2 decision, the first respondent proceeded to adjourn the matter indefinitely with a direction to the petitioner to submit a modified proposal providing more trips on a particular sector. The petitioner

further points out that by Ext.P3 judgment, this Court quashed Ext.P2 decision and directed the first respondent to consider the application for regular permit as applied for by the petitioner without insisting on any modification. Instead of granting the permit in the light of Ext.P1 route enquiry report, the first respondent by Ext.P4 decision proceeded to reject the application on the ground that there is objectionable overlapping on the notified route and grant of permit on the proposed route would offend the approved scheme of nationalization dated 14.7.2009. By Ext.P5 judgment, the STAT set aside Ext.P4 decision and the first respondent was directed to grant the regular permit as applied for by the petitioner. In the light of the peremptory directions issued by the STAT, the function of the RTA is purely ministerial; the regular permit is to be sanctioned as applied for by the petitioner. However, the petitioner is informed that the matter would have to be again placed before the RTA. It was in the said scenario that the petitioner filed Ext.P6 application for temporary permit on the proposed route so that operation of

the service can be commenced provisionally pending grant of the regular permit.

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

4. The learned Senior Government Pleader on instructions would submit that the matter is posted on 6.8.2015 for consideration.

As the learned counsel for the petitioner seeks an early disposal of Ext.P6 application for regular permit, the second respondent is directed to consider the application for temporary permit and pass positive orders on the same, if it is otherwise in order and to issue a permit within a period of one week from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.