

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. 21933 of 2015 (N)

PETITIONER(S):

**SAJEEVAN, S/O.VIDYADHARAN,
AVITTAM, CHANTHANATHOPPE P.O,
KOLLAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM -691 001.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM -691 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 21933 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1 - COPY OF THE PROCEEDINGS DATED 27.2.2015.

**P2 - COPY OF THE REPORT DATED 9.3.2015 OF THE FIELD OFFICER OBTAINED
UNDER THE RIGHT TO INFORMATION ACT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21933 of 2015

Dated this the 3rd day of August, 2015

J U D G M E N T

The petitioner is challenging Ext.P1 order passed by the 1st respondent.

2. The petitioner applied for regular permit on the route between Kureepuzha (Panamukkom) and Kundara Hospital Junction. The application was initially considered in the meeting of the RTA held on 27.02.2015 and the RTA adjourned the application at the instance of the objection raised by the existing operators. The petitioner points out that it is well settled that the existing operators have no locus standi to raise objection regarding the grant of permit to a new entrant and their objection can only be confined to the timings, which is to be settled in a duly constituted timing conference. According to the petitioner, the reason mentioned by the authority in Ext.P1 is irregular as regards grant of permit is

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concerned. He further points out that it is settled law that over saturation is not a ground for rejecting the application. Pursuant to the application submitted by the petitioner, the Field Officer had conducted an enquiry and conducted a scientific study in the matter and submitted Ext.P2 stating that the grant of permit is beneficial to the travelling public. According to the petitioner, the RTA has no authority to issue Ext.P1; and therefore, the Ext.P1 is liable to be set aside. He sought a further direction to the authority to grant permit by circulation of permit.

3. Arguments have been heard.

4. It appears from record that pursuant to the application, an enquiry was conducted by the Field Officer and it was reported that the grant of permit is beneficial to the travelling public. Therefore, according to the learned counsel for the petitioner, Ext.P1 is bad.

5. Considering the entire materials now placed on record, this Court is of the view that Ext.P1 shall not be

allowed to stand.

Therefore, Ext.P1 is quashed. The writ petition is disposed of directing the respondent to consider Ext.P2 and grant permit to the petitioner if it is otherwise in order, within a period of one month from the date of receipt of a copy of this writ petition.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-