

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 21971 of 2015 (V)

PETITIONER(S):

**SMT.DAPHINI JOSEPH, AGED 33 YEARS,
MATTATHUVELI, MANAPPURAM P.O., THYCATTUSSERY,
CHERTHALA, ALAPPUZHA.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ALAPPUZHA, REPRESENTED BY ITS SECRETARY - 688 001.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ALAPPUZHA -688 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 21971 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE JUDGMENT DATED 26/05/2015 IN MVAA 57/2015.

**EXHIBIT-P2-TRUE COPY OF THE MODIFIED APPLICATION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 04/07/2015.**

EXHIBIT-P3-TRUE COPY OF THE ROUGH SKETCH OF THE ROUTE.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21971 of 2015

Dated this the 27th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondents to implement Ext.P1 judgment of the STAT to finalize grant of permit as modified.

2. The petitioner applied for a regular stage carriage permit on the route between Cherthala and Thripunithura, a long route of 72.7 kms. The petitioner alleges that application was rejected as per proceeding dated 21.2.2014 on the ground of objectionable overlapping against which, an appeal was filed as MVAA 61/2014. As per judgment dated 29.8.2014, the STAT allowed the appeal, directing to avoid the objectionable overlapping of notified area. The petitioner preferred a modified application avoiding the objectionable overlapping. The Regional Transport Authority as per proceeding dated 19.12.2014, rejected that application again stating that there is objectionable overlapping. Against that order, an appeal was

filed before the STAT as MVAA No.57/2015. The STAT found that even though there is objectionable overlapping for the portions from Cherthala Iron bridge to Boys School junction for 1.1 km, on Trivandrum - Palakkad scheme and another overlapping of 1.2 kms from Aroor temple to Aroor on Thiruvananthapuram - Kannoore notified scheme and further 3 km overlapping from Ernakulam Petta junction to Thrippunithura of Thekkadi - Ernakulam scheme. Therefore a total of 5.3 kms more lie on the notified scheme. Accordingly, the STAT, as per judgment in MVAA No.57 of 2015 dated 26.5.2015 ordered to file a modified application avoiding the alleged scheme. Pursuant to Ext.P1, the appellant filed a modified application along with a rough sketch. The petitioner further alleges that as per the supplementary scheme dated 14.7.2009 upto 5% of the route length could be overlapped. Accordingly, the sector between Petta junction and Vadakkekotta of Trippunithura having a length of 3 kms. is avoided diverting the route via Mini Station. Now what

remains is only 2.3 kms (1.1 km + 1.2 km), which falls within the permissible limit, because the route length being 72.7 kms, a distance upto 3.6 kms is permissible; it is alleged. Therefore, there is no objectionable overlapping. It is alleged that a fresh report was called for and received. However, Ext.P1 judgment of STAT is not implemented so far. The application is pending for years together. The inaction to grant the permit as per modification has occasioned a failure of justice and it is against the interest of travelling public. It is with this background, the petitioner has come up before this Court.

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 next RTA meeting is scheduled to be held on 6.8.2015.

Therefore, the writ petition is disposed of directing the respondents to consider the issue in the next RTA meeting

scheduled to be held on 6.8.2015, after affording petitioner and other affected parties an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.