

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 22948 of 2015 (P)

PETITIONER(S) :

**BAIJU SAKARIA,
VENNUKARAN HOUSE, P.O KORATTY EAST,
THRISSUR DISTRICT.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY- 682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM REGIONAL TRANSPORT
OFFICER, ERNAKULAM- 682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE VARIATION APPLICATION DATED 15.11.2011.

**EXHIBIT P2: TRUE COPY OF THE RESOLUTION OF ANNAMANADA GRAMA
PANCHAYATH DATED 23.12.2013.**

**EXHIBIT P3: TRUE COPY OF THE PROCEEDINGS OF THE RTA ERNAKULAM
DATED 06.01.2014.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 30.12.2014 IN
MVAA NO.35/2014.**

**EXHIBIT P5: TRUE COPY OF THE PROCEEDINGS OF THE RTA ERNAKULAM
DATED 26.05.2015.**

EXHIBIT P6: TRUE COPY OF THE REPORT DATED 19.11.2013.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22948 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to implement Ext.P4 judgment of the STAT made in MVAA No.35/2014 relating to the grant of a short variation of the existing permit with extension to Kayalapadi with slight alteration trips.

2. The petitioner is a regular stage carriage permit holder operating on the route between Vyanthala and Perumbavoor, with stage carriage KL 45/D 5200. The petitioner alleges that he applied for a short variation of the existing permit by curtailing Vyanthala and extension to Kayalapadi, with slight alteration of trips. The Annamanada Panchayath also requested for the variation of permit. Even though Vyanthala was proposed to be curtailed in the interest of public that curtailment has been rejected by the RTA. The petitioner approached the STAT and the STAT allowed the appeal as per judgment in MVAA No.35/2014 after perusing

the report of the field officer set aside the order and directed the RTA to reconsider the matter afresh. The RTA considered the matter again on its meeting held on 26.5.2015 and adjourned the same stating the field officers report is not a self explanatory one; it is alleged. It is submitted that the grounds raised are wrong and malafide. Ext.P6 shows that it is self explanatory and it is the STAT after perusing, has passed such an order. The petitioner alleges that the RTA got offended by the favourable report. At any rate, Ext.P6 report is a conclusive, self speaking report and no further report is necessary and the finding is incorrect and is only to favour the existing operators; it is alleged. 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 Ext.P5 was issued in the light of the direction given by STAT in M.V.A.A.No.35/2014 and the

matter would be considered in the next RTA meeting, after collecting further details in the matter.

As this Court feels that there is no scope for interfering with Ext.P5, since the same was in accordance with the direction given by STAT, the writ petition is disposed of directing the respondent to consider the issue in the next RTA meeting itself and pass orders thereon without fail on the basis of Ext.P5.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.