

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23113 of 2015 (L)

PETITIONER(S):

**LANSAMMA THOMAS,
VALIYAKANDATHIL HOUSE, PERIMPANACHI P.O.,
CHANGANACHERRY, KOTTAYAM DISTRICT.**

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI - 685 603.**
- 2. SHERLY GEORGE,
CHITTAMPANNATTU HOUSE, MUNDAKKAYAM P.O.,
KOTTAYAM DISTRICT-686 513.**

R1 BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 23113 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT DATED 14.07.2015.
- P2 - A TRUE COPY OF THE JUDGMENT DATED 16.07.2015 IN WP(C).NO.21468 OF 2015.
- P3 - A TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO KL-24/K 1800 ON THE ROUTE CHANGANACHERRY-NEDUMKANDOM.
- P4- TRUE COPY OF THE NOTICE DATED 25.07.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23113 of 2015

Dated this the 5th day of August, 2015

J U D G M E N T

The petitioner is a stage carriage operator and is the registered owner of stage carriage bearing Reg.No.KL-33/C 9978. According to her, the said vehicle is not covered by any permit either regular or temporary. On 14.07.2015, the petitioner applied for temporary permit on the route between Chempakapara and Changanacherry in the vacancy of a defaulted service, viz., KL-05/Q 7409. Later, by judgment dated 16.07.2015 in WP(C) No.21468/2015, this Court directed the 1st respondent to consider and pass orders on Ext.P1 application expeditiously. This Court directed the temporary permit to be granted if the said vacancy subsists and no other person has applied for a permit in the said vacancy. The petitioner alleges that the 2nd respondent, who is a stage carriage operator and holds a virtual monopoly on the sector, applied for temporary

..2..

permit on the very same route with a view to scuttle the issue of temporary permit to the petitioner. She further alleges that the 2nd respondent sought for permit in respect of stage carriage bearing Reg.No.KL-24/K 1800, which is neither owned or possessed by the 2nd respondent. According to her, the said vehicle is owned by one S.R.Sibiraj, C.B.Sadanam, Kariyam, Edathara P.O., Kadakkal, Kollam and is covered by a temporary permit on another route, viz., Changanacherry - Nedumkandom. The petitioner's grievance is that as the 2nd respondent has also applied for a permit on the said route, the 1st respondent is refusing to issue temporary permit to the petitioner. Hence, this writ petition.

2. I have heard the learned counsel for the petitioner and the learned senior Government Pleader.

3. As pointed out by the learned counsel for the petitioner, I have perused the judges papers in WP(C) No.22110/15, in which the 2nd respondent herein had obtained a similar order in that case by which this Court

..3..

has directed the Secretary of the RTA to consider her claim. The petitioner also obtained a similar order, a copy of which is produced as Ext.P2. As the Secretary was confronted with these two judgments, the matter was placed before the RTA.

4. The 2nd respondent could not have any grievance as the vehicle offered by the 2nd respondent is covered by a temporary permit and is operating service on the basis of Ext.P3. Therefore, pending consideration of the applications by the petitioner as well as the 2nd respondent, the Secretary is directed to grant temporary permit to the petitioner within a period of one week subject to the final decision taken by the RTA in the applications submitted by the petitioner and the 2nd respondent.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-