

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 23446 of 2015 (E)

PETITIONER :

**V.BHASKARAN, AGED 50 YEARS,
S/O.E. NARAYANAN NAIR, KOLLOT HOUSE,
BANDADKA P.O., KASARAGOD.**

BY ADV. SRI.PRASAD CHANDRAN

RESPONDENTS :

**1. THE REGIONAL TRANSPORT AUTHORITY, KASARAGOD
REPRESENTED BY ITS SECRETARY. PIN - 671121.**

**2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
KASARAGOD.PIN - 671121.**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE APPLICATION FOR VARIATION OF PERMIT
DATED 13.5.2014
- EXT.P-2: TRUE COPY OF THE PROCEEDINGS OF THE IST RESPONDENT
DATED 27.5.2014
- EXT.P-3: TRUE COPY OF THE REPORT OF THE MOTOR VEHICLE INSPECTOR
DATED 25.7.2014.
- EXT.P-4: TRUE COPY OF THE PROCEEDINGS OF THE IST RESPONDENT
DATED 25.9.2014.
- EXT.P-5: TRUE COPY OF THE JUDGEMENT IN WPC 5195/2015 DATED 23.2.2015.
- EXT.P-6: TRUE COPY OF THE ORDER OF THE IST RESPONDENT
DATED 31.3.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23446 of 2015

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Dated this the 18th day of August, 2015

JUDGMENT

The petitioner is challenging Ext.P6 order rejecting the application for variation of permit ignoring Ext.P3 report.

2. The petitioner is the holder of a regular permit on the route between Kannadithode and Kasaragod via Bandadka. He submitted an application for variation of permit conditions by extending one additional trip from Bandadka to Balanthode having a distance of 10 kilometres. The Regional Transport Authority considered the application in its meeting held on 27.5.2014 and adjourned the same for obtaining a scientific report from a team of officers of the department. The petitioner points out that in Ext.P3 scientific report of the field officer, it was stated that the same is beneficial to the traveling public.

3. Thereafter the first respondent considered the application in its meeting held on 25.09.2014 by Ext.P4 and directed the second respondent to enquire into the matter and to direct the applicant to furnish a modified application without curtailment of the trip at 5.15 P.M from Bandadka to Kasaragod. The petitioner approached this Court with W.P(C) No.5195 of 2015 wherein the first respondent was

directed to consider the application on the basis of the report. It was further added that if it is found that curtailment affects the traveling public, necessarily it has to be rejected. However, the first respondent has rejected the application by Ext.P6 order ignoring the report of the team of officers viz., the scientific report.

4. The petitioner further alleges that the first respondent has failed to consider Ext.P3 report without taking into consideration any of the valid contentions. The petitioner points out that the second respondent has conducted an enquiry. He also alleges that the report of the field officer reiterates that there are no sufficient number of services and the same is beneficial to the traveling public, especially the students of the proposed route. It is with this with this background, the petitioner has approached this Court.

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

6. The learned Senior Government Pleader inviting my attention to Ext.P6 order and Ext.P5 judgment submitted that Ext.P6 was issued in the light of the specific directions contained in Ext.P5 judgment. It is also submitted that Ext.P5 contains a clause that the petitioner's application could be rejected if it is against public interest.

7. In answer to the said submission, the learned counsel for the petitioner would submit that if a further report is called for, the same would prove that his request would not offend public interest.

In the light of the above, the writ petition is disposed of directing the respondents to reconsider the issue after obtaining an additional report from the authorities concerned and to pass appropriate orders on the same *de hors* Ext.P6 within a period of four weeks from the date of receipt of a copy of this judgment.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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