

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C) .No. 23570 of 2015 (U)

PETITIONER(S) :

NELSON.A.J. , AGED 34 YEARS
S/O.JOSEPH, AMBALATHINKAL HOUSE, VARAPUZHA P.O.

BY ADVS.SRI.M.JITHESH MENON
SMT.K.INDU (POURNAMI)

RESPONDENT(S) :

1. REGIONAL TRANSPORT AUTHORITY
ERNAKULAM, CIVIL STATION, KAKKANAD
KOCHI-30.
2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
ERNAKULAM CIVIL STATION, KAKKANAD, KOCHI-30.

R BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 23570 of 2015 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT SUBMITTED
BY THE PETITIONER DATED 8.12.2014.

EXHIBIT-P2: TRUE COPY OF THE COVERING LETTER WITH TIMINGS FILED BY
THE PETITIONER DATED 8.12.2014.

EXHIBIT-P3: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
DATED 22.5.2015.

EXHIBIT-P4: TRUE COPY OF THE ORDER DATED 26.5.2015.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23570 of 2015

Dated this the 12th day of August, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the first respondent to consider Ext.P1 application afresh, taking into consideration of Ext.P3 request for modification and grant the same within a time limit.

2. The petitioner had applied for a regular permit to operate on the route between North Parur and Kaloor with one trip to Vyttila via K.K.Road. After the submission of the application evidenced by Ext.P1, the petitioner had submitted Ext.P3 request praying for modification of the regular permit application by proposing to operate the second trip as Parur - Kaloor, itself instead of Parur - Vyttila viz, K.K. Road. The petitioner alleges that Ext.P1 application along with Ext.P3 request for modification was taken up for consideration by the first respondent in the meeting held on 26.5.2015. Though the petitioner had entered appearance through counsel and had

appraised the first respondent regarding the intention of the petitioner to operate only upto Kaloor by avoiding the portion from Kaloor to Vyttila, the first respondent had without application of mind rejected the application finding that the overlapping on the notified route exceeds the permissible limit of overlapping. Ext.P4 has been rendered by the first respondent without taking into consideration Ext.P3 request for modification of the application by avoiding the portion from Kaloor to Vyttila. Had the said request evidenced by Ext.P3 been taken into consideration by the first respondent then the overlapping would only be from Edappally Signal Junction to Edappally High Court for a distance of 1 km. and the same is below the permissible overlapping. In such an event, the regular permit itself could have been granted. However, only by virtue of non-consideration of Ext.P3, Ext.P4 order came to be passed. This writ petition is therefore, filed seeking to quash Ext.P4 with a further prayer to consider Ext.P1 application afresh by taking into consideration Ext.P3 request

for modification and by granting the permit to operate on the route between North Parur and Kaloor with all trips between North Parur and Kaloor within a time limit.

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 petitioner has not submitted the application in time and therefore, it could not be processed and included in the agenda and accordingly, it was dismissed. However as it appears that there was no proper consideration of Ext.P1 application, Ext.P4 is quashed and the matter is remitted back to the respondent to consider Ext.P1 application afresh taking into consideration Ext.P3 request for modification in the RTA meeting coming after 17.8.2015.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.