

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 23620 of 2015 (B)

PETITIONER(S) :

**T.J.RAJU,
THOTTAMKARA, SOUTH PARAVOOR, THRIPIUNITHURA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM- 682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM- 682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
 DATED 26.05.2015.**
- EXT.P2: A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT
 DATED 13.02.2015.**
- EXT.P3: A TRUE COPY OF THE JUDGEMENT OF THE STAT
 DATED 14.05.2015 IN MVARP NO.90/2014.**
- EXT.P4: A TRUE COPY OF THE REGULAR PERMIT ISSUED ON 14.07.2015
 TO KL-07/AM 8390 AFTER ENDORSING REPLACEMENT OF
 VEHICLE.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23620 of 2015

Dated this the 10th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the first respondent to reconsider the application for variation of permit in the next meeting of the first respondent scheduled to be held on 17.8.2015.

2. The petitioner is a stage carriage operator. The petitioner alleges that he is aggrieved by the decision of the first respondent herein declining to consider his application for variation of permit on merits and rejecting the same on the preliminary ground that the stage carriage has not operated for a long period as the regular permit itself was being retained under suspended animation. According to the first respondent, the regular permit itself is liable to be cancelled since the permit holder has failed to offer a suitable stage carriage for replacement. It is pointed out that the replacement of vehicle was endorsed on 14.7.2015, on the same day Ext.P1 decision

was signed for communication. Further, even as on the day that Ext.P1 decision was served on the petitioner ie, 20.7.2015, the replacement of vehicle had already been endorsed; 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.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the first respondent to reconsider the petitioner's application for variation of the permit in the meeting scheduled to be held on 17.8.2015 itself and to pass appropriate orders on the same without fail.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.