

**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. 23669 of 2015 (G)**  
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**PETITIONER(S):**  
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**AHSOK S.,  
S/O.APPAYA, NEAR CHAMUNDESWARI TEMPLE,  
KOTEKANI CROSS ROAD, KASARAGOD - 671 121.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENT(S):**  
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**THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,  
KASARAGOD - 671 121.**

**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:**

**msv/**

**WP(C).No. 23669 of 2015 (G)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1: TRUE COPY OF THE PERMIT IN RESPECT OF STAGE CARRIAGE  
NO.KL 14 L/2333.**

**EXHIBIT P2: COPY OF THE APPLICATION DATED 11.7.2014.**

**EXHIBIT P3: COPY OF THE PERMIT DATED 29.7.2015.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

**MsV/**

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 23669 of 2015  
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Dated this the 18<sup>th</sup> day of August, 2015

**J U D G M E N T**

The petitioner is seeking a direction to the respondent grant temporary permit to the petitioner as Limited Stop Ordinary Service.

2. The petitioner is an existing operator on the route between Kannur and Kasargod and the permit is issued in respect of stage carriage bearing Reg.No.KL 14 L/2333, which was valid till 12.11.2014. The said permit is a Fast Passenger permit, which was issued during 1999 and thereby, the permit is a saved permit as per the notification issued by the government. The petitioner moved an application for renewal and the same is pending. During the interregnum, the respondent issued temporary permit, which was later revoked on the ground that as per the existing scheme, fast passenger permit cannot be granted to the petitioner. According to the petitioner, as per the existing scheme introduced by the

Government, all higher class of service are to be renewed as LSOS without curtailing the route; and in the instant case, the route length is less than 140 km and even as per the existing rule itself, the petitioner is entitled to get permit as LSOS. According to him, no curtailment is required in this case, limiting the route length within the permissible limit of LSOS. The application for renewal is pending and the Secretary, RTA is free to consider the class of service to be operated by the petitioner; according to the petitioner. Hence, in order to resume service, the petitioner moved an application for temporary permit on the very same route as LSOS purportedly in view of the notification issued by the government. According to him, the Secretary, RTA is bound to pass necessary orders granting temporary permit to the petitioner as LSOS. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned Government Pleader, on

instructions, submitted that the KSRTC has obtained permit and they are operating on the said route.

5. However, the learned counsel for the petitioner submits that the route length is less than 140 km and the petitioner is entitled to get permit as LSOS.

6. The application for renewal is pending before the RTA. However, in order to resume service, the petitioner moved a temporary permit application as LSOS and the permit is a saved permit as per the notification issued by the Government.

Considering the facts and circumstances of the case, the writ petition is disposed of directing the respondent to consider Ext.P2 temporary permit application within a period of two weeks from the date of receipt of a copy of this judgment. The grant of temporary permit shall be subject to the claim of the KSRTC.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-