

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. 23752 of 2015 (T)

PETITIONER(S):

**SREENATH, DWARAKA,
KANAYANNUR, CHOTTANIKKARA.**

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY, PIN-682 030.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM -682 030.**

BY GOVT. 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:**

rs.

WP(C).No. 23752 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE VARIATION APPLICATION SUBMITTED BY THE PETITIONER DATED 30.10.2014.

EXHIBIT P2 COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT IN ITEM NO.59 OF THE MEETING DATED 26.05.2015.

EXHIBIT P3 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER REQUESTING MODIFICATION OF EXHIBIT P1 APPLICATION DATED 16.07.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23752 of 2015

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Dated this the 18th day of August, 2015

JUDGMENT

The petitioner is seeking a direction to the respondents to consider his application for variation of permit.

2. The petitioner is operating service on the route Peruva-Piravom-Kaloor. On the sector from Peruva to Piravom, except the last trip, all other trips at present are operating through HPC which is a circuitous route; it is alleged. Therefore, the petitioner filed Ext.P1 application seeking variation of the other five trips also through the direct route avoiding HPC. The said application has been considered by the first respondent. Since there is deviation of all trips, there arose curtailment for which, the concurrence of the sister authority is required. Therefore, the application for variation stands adjourned as per Ext.P2.

3. Taking into consideration the demand of the public, the petitioner submitted Ext.P3 application seeking modification of Ext.P1 application by retaining three trips through the existing route itself and the request is limited for two trips instead of five trips. The petitioner points out that in such circumstances, there is no

curtailment and no concurrence is required from any authority in the light of the principles laid down by this Court in **Musthafa v. R.T.A., Malappuram** [2000 (3) KLT 610]. The grievance of the petitioner is that though Ext.P3 modification application have been submitted, the respondents have not taken any steps. It is with this background, the petitioner has approached this Court.

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

5. The learned Senior Government Pleader on instructions submitted that the application was received by the respondents on 22.7.2015.

Considering the nature of the submission and the nature of the relief sought for, this writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P3 modification application for variation of permit submitted by the petitioner within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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