

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24079 of 2015 (H)

PETITIONER:

**MOHANDAS K.C. ,
KAITHAVALAPPIL HOUSE, MALIPPURAM.P.O.,
VALAPPU BEACH ROAD, ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

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

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1 : TRUE COPY OF THE PETITIONER'S DATED 14.11.2008.
- EXT. P2 : TRUE COPY OF THE VARIATION APPLICATION DATED 30.6.2014 ON
THE ROUTE KOTHAD FERRY-KUNDANNUR WITH STAGE CARRIAGE
KL 42/A 3060.
- EXT. P3 : TRUE COPY OF THE COVERING LETTER FILED BY THE BEFORE THE
2ND RESPONDENT DATED 30.6.2015.
- EXT. P4 : TRUE COPY OF THE PROCEEDINGS OF THE RTA ERNAKULAM ISSUED
BY THE 1ST RESPONDENT DATED 5.8.2014 IN ITEM NO.21.
- EXT. P5 : TRUE COPY OF THE JUDGMENT DATED 3.7.2015 IN
WPC.NO.19352/2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24079 of 2015

Dated this the 17th day of August, 2015

J U D G M E N T

The petitioner has approached this Court seeking a final disposal of Ext.P2 variation of permit application without any further adjournments.

2. The petitioner is a regular stage carriage permit holder operating on the route, Kothad Ferry - Kundannur, with stage carriage bearing Reg.No.KL 42/A 3060. While so, a variation of route was applied extending the route from Kothad Ferry to Kothad Church except 8th and 9th trips. According to the petitioner, no transport facilities are there at all. He alleges that the RTA earlier directed that all services that come up to Kothad Ferry may apply for such extension as a new bridge has been constructed and the extension is below one kilometer. Ext.P2 application dated 30.06.2014 for variation has come up for consideration by the RTA in its meeting held on 05.08.2014 and the RTA adjourned the matter unnecessarily. The RTA adjourned the matter not on merit, but to favour some of the existing operators; it is alleged. According to the petitioner, it is a

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matter of common knowledge that the timing is a subject settled by Secretary, RTA and not by the RTA, that too, after the grant by conducting a timing conference; and hence, timing need not or cannot be a reason to adjourn at the time of grant of variation. In Ext.P4, it is stated that the petitioner has to give a fresh timing and the petitioner convinced the Secretary that the grant may be subject to settlement of timing, for which separate time sheet again need not be filed. Therefore, he requested to place the matter in the forthcoming meeting of RTA. The petitioner alleges that now, under the pretext to produce separate time sheet, the matter is adjourned indefinitely and there is no possibility to consider the matter in the near future. If the matter is delayed, he would be deprived of the chance of getting the proposed timing. According to the petitioner, the matter requires urgent finalization in the forthcoming meeting of the RTA. It is further alleged that several RTA meetings are held after the filing of Ext.P2 application and now, a meeting of RTA is proposed on 17.08.2015; and if there are no mandatory orders, the matter would not be

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considered in that meeting. According to him, a duty is cast upon the respondent to give a final disposal to the application one way or other and if it is against the petitioner, he can avail the alternate remedy before the STAT. Hence, this writ petition.

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

Considering the facts and circumstances of the case, the writ petition is disposed of directing the respondent to pass final orders on Ext.P2 within a period of three weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-