

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 24565 of 2015 (U)

PETITIONER :

**BINU.P.S., S/O.SHANMUKHAM,
PAZHOOOR HOUSE, PALAMPRA P.O.,
KOTTAYAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY, KOTTAYAM,
REPRESENTED BY ITS SECRETARY, PIN-686 001**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KOTTAYAM, PIN-686 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 24565 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE REGULAR PERMIT ON THE ROUTE ELAMKADU-
ERNAKULAM KALOOR BUS STAND.**
- P2 : TRUE COPY OF THE APPLICATION FOR RENEWAL**
- P3 : TRUE COPY OF THE COVERING LETTER SUBMITTED ALONG WITH
EXHIBIT P2.**
- P4 : TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT UNDER
SECTION 87(1)(D)**

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

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24565 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is aggrieved by the non consideration of the application for renewal of regular permit as well as temporary permit on the route between Elamkadu and Ernakulam Kaloore Bus Stand in respect stage carriage bearing Reg.No.KL-34/C-1427 as LSOS instead of Fast Passenger.

2. The petitioner is an existing operator on the route between Elamkadu and Ernakulam Kaloore Bus Stand. The nature of service initially granted to the service was LSOS. It was later converted as fast passenger. Now, by virtue of the embargo brought in by the amendment to the Kerala Motor Vehicles Rules as well as to the scheme promulgated by the KSRTC, the petitioner cannot get renewal of permit as LSOS; and hence, he made a request to grant renewal as well as

..2..

temporary permit as LSOS subject to the orders to be passed by the Division Bench of this Court in writ appeals preferred as regards the entitlement of private bus operators to operate as fast passenger. The petitioner is now ready and willing to operate as LSOS. It was pointed out that the route length of his service is only 124 kms and the service could be operated up to 140 kms as ordinary service. According to the petitioner, there is no legal impediment in granting the renewal under Section 87(a)(d) as LSOS so as to enable him to continue service from 20.08.2015. Hence, this writ petition.

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

4. The learned senior Government Pleader, on instructions, submitted that as the route is covered as per SRO No.608/2009, the KSRTC is also be given an opportunity of being heard.

5. In answer to the said submission, the learned counsel for the petitioner invited my attention to GO(MS)

No.45/2015/Tran. Dated 20.08.2015, wherein it is observed as under;

“7. The Regional Transport Authorities will issue Ordinary Limited Stop Service permits to all the existing higher class services operated by the private operators in the routes covered under SRO No.608/09. But those permits which are being operated as ordinary service and ordinary limited stop service shall be allowed to continue as such in the above routes.”

In the light of the above, there shall be a direction to the respondent to consider Ext.P2 and issue positive orders granting renewal in the light of Clause (7) in the GO referred to above within a period of two weeks from the date of receipt of a copy of this judgment if there is no legal impediment. The petitioner is also permitted to operate on the basis of the existing permit till final orders are passed on Ext.P2.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-