

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 29185 of 2012 (W)

PETITIONER(S):

**KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM - 695 023,
REPRESENTED BY ITS CHIEF LAW OFFICER,
P. SURESH KUMAR.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA,SC
SRI.P.C.CHACKO, SC**

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, REPRESENTED BY ITS SECRETARY, CIVIL LINES,
KAKKANAD, KOCHI - 682 030.**
- 2. P.A. JOSEPH,
S/O ANTHA, PALLIPARAMBIL HOUSE, CHERANELLOOR P.O.,
KOCHI - 682 034.**

**R1 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ
R2 BY ADVS. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29185 of 2012 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE NOTIFICATION NO.G.O.(P) 42/2009/TRAN
DATED 14.7.2009 PUBLISHED IN THE KERLA GAZETTE DATED 14.7.2009.**

**EXHIBIT P2: TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT IN AGENDA
ITEM NO.23, IN ITS MEETING HELD ON 7.5.2011.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 20.9.2012 IN
M.V.A.A. NO.264/2011 IN THE LEARNED STAT, ERNAKULAM.**

**EXHIBIT P4: TRUE COPY OF THE DATED 24.1.2012 IN W.A.NO.62/2012 OF THIS
HON'BLE COURT.**

**EXHIBIT P5: TRUE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT OF
INDIA IN STANDARD MOTOR UNION PRIVATE LIMITED V. STATE OF
KERALA AND OTHERS, REPORTED IN AIR 1969 ST 273.**

**EXHIBIT P6: TRUE COPY OF THE ORDER DATED 8.5.2012 IN WPC NO.10933/2012 OF
THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

K.VINOD CHANDRAN, J

W.P.(C).No. 29185 of 2012

Dated 15th January, 2015

JUDGMENT

The petitioner is aggrieved with Ext.P3 order of the State Transport Appellate Tribunal, Ernakulam, issued in an appeal filed by the 2nd respondent herein. The 2nd respondent had filed an appeal from the rejection of a grant of fresh regular permit on the route Kaloore-Thathappilly-Kadamakudy via Varapuzha Bridge, in which there was earlier a valid permit which had expired. The contention raised by the KSRTC before the Tribunal was that, there was a Scheme in operation and there would be objectionable overlap. The route itself was said to be of 35 Kms., of which 4.5 Kms., objectionably overlapped the Scheme. The Tribunal in Ext.P3 found that the Scheme has been stayed by this Court in a writ petition of 2009. It is now

submitted that, the Scheme has been upheld later and there is no stay as such as of now.

2. In the above circumstances, Ext.P3 is set aside. Any permit granted would have to be revoked, if there is objectionable overlap; which shall be done after issuing notice to the 2nd respondent.

The writ petition is disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//