

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 25811 of 2015 (B)

PETITIONERS:

- 1. P.U. SIBY, AGED 32 YEARS
S/O. UNNIKRISHNAN, POOKKETT HOUSE, P.O.MANALLOOR
THRISSUR.**
- 2. K.V.SASANKH, KUNNATHULLY HOUSE
AYYANTHOLE, THRISSUR**

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY
ERNAKULAM, REPRESENTED BY ITS SECRETARY
ERNAKULAM-682 030.**
- 2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM-682 030.**
- 3. THE KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR
TRANSPORT BHAVAN, THIRUVANANTHAPURAM-695 001.**
- 4. K.P.ANTONY
KAKKASSERY HOUSE, MATTOM P.O., THRISSUR-680 113.**

**R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA
R3 BY ADV.SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPN.
R4 BY ADV.SRI.K.V.GOPINATHAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID TILL 28.11.2018.**
- P2 : A COPY OF THE RELEVANT EXTRACT OF THE DECISION 1ST RESPONDENT DTD.3.12.2013.**
- P3 : A COPY OF THE AGENDA (RELEVANT EXTRACT) OF THE MEETING OF THE 1ST RESPONDENT HELD ON 12.3.2015.**
- P4 : A COPY OF THE DECISION OF THE 1ST RESPONDENT DTD.12.3.2015 IN ITEM NO.16(1). (RELEVANT EXTRACT)**
- P5 : A COPY OF THE ROUTE ENQUIRY REPORT DTD.17.11.2014.**
- P6 : A COPY OF THE TIME HEARING NOTICE DTD.1.8.2015.**

RESPONDENT(S)' EXHIBITS:-

- R4(a): TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P. (C). NO. 18851/2015 DATED 2.7.2015**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 25811 OF 2015

Dated this the 9th day of September, 2015

JUDGMENT

The writ petition raises serious questions as regards the bonafides of the fourth respondent in submitting a modified proposal for route permit. The petitioners were ofcourse justified in filing this writ petition since the fourth respondent had obtained R4(a) judgment to implement Ext. P3 decision. It will be inequitable to test the correctness of Ext.P3 decision in this writ petition when the petitioners have an effective alternate remedy.

2. The petitioners are free to impugn Ext. P3 in a revision under Section 90 of the Motor Vehicles Act, 1988. Any revision filed within one month from today shall be dealt with within two months therefrom. The petitioners are free to apply for appropriate interim orders in the revision. The interim order dated 21.08.2015 in this writ

petition would continue to operate for a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS