

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 31983 of 2009 (S)

PETITIONER(S) :

ARUN G.,
AGED 33, ADVOCATE, S/O.GOPINATHAN NAIR
RESIDING AT VAYALIL HOUSE, PANAMATTAM P.O.
KOORALI (VIA), PONKUNNAM.

BY ADV. SRI.RAJEEV V.KURUP

RESPONDENT(S) :

1. THE GOVERNMENT OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SECRETARY,
DEPARTMENT OF TRANSPORTS
KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
3. THE KERALA STATE ROAD TRANSPORT
CORPORATION, REPRESENTED BY THE MANAGING DIRECTOR
TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM.
4. THE KERALA STATE PRIVATE BUS OPERATORS
FEDERATION, REPRESENTED BY ITS SECRETARY OF THE
COMMITTEE, HEAD OFFICE, MECHINGAL LANE
THRISSUR-I.
(ADDRESS FOR SERVICE OF THE R4 IS:THE KERALA STATE
PRIVATE BUS OPERATORS FEDERATION, REP.BY ITS
SECRETARY OF THE STATE COMMITTEE,
CAMP OFFICE BEACH ROAD, QUILON.)
5. THE KERALA STUDENTS UNION,REPRESENTED BY
ITS GENERAL SECRETARY MR.RENJITH GEORGE
STATE COMMITTEE OFFICE, INDIRA BHAVAN
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM.
6. THE STUDENTS FEDERATION OF INDIA,
REPRESENTED BY ITS GENERAL SECRETARY
MR.A.N.SHAMSEER, STATE COMMITTEE OFFICE
NEAR AYURVEDA COLLEGE, THIRUVANANTHAPURAM.

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7. THE AKHILA BHARATHIYA VIDYARTHI
PARISHATH, REPRESENTED BY ITS GENERAL SECRETARY
STATE COMMITTEE, STATE COMMITTEE OFFICE
S.S.KOVIL ROAD, THAMPANOR P.O., THIRUVANANTHAPURAM.

R,R7 BY ADV. SRI.K.GOPALAKRISHNA KURUP (SR.)
R,R7 BY ADV. SRI.S.MANU
R,R7 BY ADV. SRI.MANU.M.THOMAS
R,R4 BY ADV. SRI.K.RAMAKUMAR (SR.)
R,R4 BY ADV. SMT.SMITHA GEORGE
R,R4 BY ADV. SRI.C.R.REKHESH SHARMA
R,R3 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC
R BY Sr.GOVERNMENT PLEADER Mr.C.R.SYAM KUMAR
R BY SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE HINDU NATIONAL DAILY DATED 14.7.09

EXT.P2 : COPY OF THE RASHTRA DEEPIKA MALAYALAM DAILY DATED 11.7.09

EXT.P3 : COPY OF THE RASHTRA DEEPIKA DAILY DT.11.7.09

EXT.P3(1):COPY OF THE HINDU DAILY DT.5.10.09

EXT.P4 : COPY OF THE APPLICATION DT.10.10.08 TO THE STATE PUBLIC INFORMATION OFFICER.

EXT.P4(1): REPLY LETTER DATED 19.11.08 ISSUED BY THE STATE INFORMATION OFFICER.

EXT.P4(2): REPLY LETTER DT.30.10.08 ISSUED BY THE ADDL.SECRETARY INFORMATION OFFICER FINANCIAL DEPT.

EXT.P5: COPY OF THE LETTER DTD.10.10.08 TO THE TRANSPORT COMMISSIONER.

EXT.P5(1):COPY OF THE LETTER DT.18.10.08 ISSUED BY THE STATE INFORMATION OFFICER.

EXT.P6: COPY OF THE LETTER DT.23.10.08 TO THE PUBLIC INFORMATION OFFICER KSRTC TRIVANDRUM.

EXT.P6(1): COPY OF THE REPLY LETTER DT.7.11.08 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER KSRTC.

EXT.P6(2): COPY OF THE LETTER DT.28.11.08 ISSUED BY THE PUBLIC INFORMATION OFFICER KSRTC.

EXT.P6(3): COPY OF THE LETTER DT.19.2.09 ISSUED BY THE STATE PUBLIC INFORMATION OFFICER KSRTC.

EXT.P7: COPY OF THE APPLICATION DT.10.10.08 TO THE PUBLIC INFORMATION OFFICER G A D.

EXT.P7(1): COPY OF THE REPLY LETTER DT.22.10.08 ISSUED BY ADDL. SECRETARY AND STATE PUBLIC INFORMATION OFFICER, GENERAL ADMINISTRATION (PARLIAMENT) DEPARTMENT.

EXT.P7(2): COPY OF THE LETTER DT.20.11.08 ISSUED BY THE PUBLIC INFORMATION OFFICER, OFFICE OF THE HEALTH DIRECTOR.

EXT.P7(3): COPY OF THE LETTER DT.15.12.08 ISSUED BY THE PUBLIC INFORMATION OFFICER MEDICAL EDUCATION.

EXT.P7(4): COPY OF THE LETTER DT.19.1.09 ISSUED BY THE PUBLIC INFORMATION OFFICER MULAMKUNNATHU KAVU MEDICAL COLLEGE.

EXT.P7(5): COPY OF THE LETTER DT.2.1.09 ISSUED BY THE SUPERINTENDENT MEDICAL COLLEGE HOSPITAL TRISSUR.

Contd...

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EXT.P7(6): COPY OF THE LETTER DT.9.1.09 ISSUED BY THE SUPERINTENDENT
E S I HOSPITAL, KOTTAYAM.

EXT.P7(7): COPY OF THE LETTER DT.13.1.09 ISSUED BY THE SUPERINTENDENT
MEDICAL COLLEGE HOSPITAL KOTTAYAM.

EXT.P7(8): COPY OF THE LETTER DT.28.1.09 ISSUED BY THE PUBLIC
INFORMATION OFFICER T D MEDICAL COLLEGE ALLEPPEY.

EXT.P8 : COPY OF THE APPLICATION DT.10.10.08 TO THE PUBLIC
INFORMATION OFFICER, PUBLIC WORKS DEPT.

EXT.P8(1): COPY OF THE LETTER DT.30.6.08 ISSUED BY THE EXECUTIVE
ENGINEER P W D KOTTAYAM AND LETTER DT.20.6.09 ASST.EX.ENGG.OF ROAD
SUB DIVISION KOTTAYAM.

EXT.P8(2): COPY OF THE LETTER DT.28.10.08 ISSUED BY THE EX.ENGG.P W D
PALAKKAD.

EXT.P8(3): COPY OF THE LETTER DT.29.10.08 ISSUED BY THE PUBLIC
INFORMATION OFFICER, Asst. Ex.Engg P W D MUVATTUPUZHA.

EXT.P8(4): COPY OF THE LETTER DT.1.11.08 ISSUED BY THE PUBLIC
INFORMATION OFFICER, PWD TRIVANDRUM.

EXT.P8(5): COPY OF THE LETTER DT.4.11.08 ISSUED BY THE INFORMATION
OFFICER PWD KOLLAM.

EXT.P8(6): COPY OF THE LETTER DATED 12.11.08 ISSUED BY THE PUBLIC
INFORMATION OFFICER PWD THRISSUR.

EXT.P9: COPY OF THE LETTER DT.10.10.08 TO THE PUBLIC INFORMATION
OFFICER KERALA STATE POLLUTION CONTROL BOARD TRIVANDRUM.

EXT.P9(1): COPY OF THE LETTER DT.31.10.08 ISSUED BY THE PUBLIC
INFORMATION OFFICER KERALA STATE POLLUTION CONTROL BOARD TRIVANDRUM.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A.TO JUDGE

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**ASHOK BHUSHAN, C.J. &
P.R.RAMACHANDRA MENON, J.**

W.P.(C)No.31983 of 2009

Dated this the 16th day of September, 2015.

J U D G M E N T

RAMACHANDRA MENON, J.

The petitioner has approached this Court by filing the writ petition for protection of rights and interests of the Student Community at large. The prayers raised in the writ petition are in the following terms :

"(1) directing the first and second respondents to take immediate steps to ensure safe and dignified journey to the student passengers ;

(2) against the third respondent, preventing it from collecting any amount in the form of insurance cess from the passengers of the third respondent ; and

(3) preventing the first and second respondents from effecting a hike in the bus fare in the state."

2. Heard the learned counsel for the petitioner as well as the learned Standing counsel appearing on behalf of the KSRTC and the learned Government Pleader appearing for

respondents 1 and 2. We have also gone through the various documents produced before this Court.

3. After hearing both the sides, we find that substantial changes have occurred during the past 6 years and the position which was sought to be highlighted by the petitioner at that point of time when the writ petition was filed, is not the same as it exists as on date. The learned Standing counsel appearing for the KSRTC also submits that adequate care and caution have already been taken to extend maximum benefit and support to the Student Community at large, within the permissible limits, and that such course is being pursued, though it may result in some loss to the KSRTC, considering the social objective in its right spirit and perspective.

4. After hearing both the sides and also after considering the nature of relief sought for, in the light of the present situation, this Court finds that no interference is required to be made by this Court, for the time being. We

close the writ petition, without prejudice to the rights of the petitioner, if any further cause of action arises, to have it projected by way of appropriate proceedings at appropriate time.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
P.R.RAMACHANDRA MENON,
JUDGE.

ami/

//True copy//

P.A.to Judge