

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 34073 of 2015 (H)

PETITIONER:

**KERALA STATE ROAD TRANSPORT CORPORATION
FORT
THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADV. SRI.P.C.CHACKO, SC, KERALA STATE ROAD TRANSPORT
CORPORATION**

RESPONDENTS:

- 1. THE REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY 695 001.**
- 2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM 695 001.**
- 3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF THE REGISTRAR OF CO-OPERATIVESOCIETIES
THIRUVANANTHAPURAM 695 001.**
- 4. THE JOINT REGISTRAR (GENERAL) CO-OPERATIVE SOCIETIES
VAZHUTHAKKAD P.O.
THIRUVANANTHAPURAM P.O.695 001.**
- 5. THE SECRETARY
TAXI DRIVERS CO-OPERATIVE SOCIETIES LTD,
KARAKULAM
THIRUVANANTHAPURAM 695 003.**
- 6. THE REGISTRAR
STATE TRANSPORT APPELLATE TRIBUNAL
DISTRICT COURT
ERNAKULAM - 682 011.**
- 7. THE COMMISSIONER OF POLICE, VAZHUTHAKKAD
THIRUVANANTHAPURAM - 695 001.**

WP(C).No. 34073 of 2015 (H)

**8. THE GENERAL MANAGER
DISTRICT CO-OPERATIVE BANK,
THIRUVANANTHAPURAM
FORT P.O.,
THIRUVANANTHAPURAM 695 001.**

**R1 TO R4 & R6 & R7 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R5 BY SRI. K.V. GOPINATHAN NAIR
R8 BY ADV. SRI.T.R.HARIKUMAR, SC, THIRUVANANTHAPURAM
DISTRICT CO.OPERATIVE BANK**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-11-2015, ALONG WITH WPC. 34075/2015, WPC. 34083/2015 & WPC. 34122/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE ORDER DATED 11.8.2015 PASSED BY THE FIRST RESPONDENT REJECTING THE APPLICATION OF THE 5TH RESPONDENT

EXT.P-2: TRUE COPY OF THE JUDGEMENT DATED 26.6.2012 IN WANO.1156 OF 2012 OF THE DIVISION BENCH OF THE HON'BLE HIGH COURT.

EXT.P-3: TRUE COPY OF THE REPORT DATED 10.8.2015 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT

EXT.P-4: TRUE COPY OF THE M.V.A.A. NO.235 OF 2015 FILED BY THE 5TH RESPONDENT BEFORE THE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM - WITHOUT EXTS.

EXT.P-5: TRUE COPY OF THE ORDER DATED 29.10.2015 IN MP NO.769/2015 IN MVAA NO.235/2015 PASSED BY THE 6TH RESPONDENT

EXT.P-6: TRUE COPY OF THE PERMIT GRANTED TO THE PETITIONER ON 27.10.2015

EXT.P-7: TRUE COPY OF PERMIT ISSUED TO THE PETITIONER ON 29.10.2015

EXT.P-8: TRUE COPY OF THE M.P NO.782/2015 IN MVAA NO.235/2015 PASSED BY THE 6TH RESPONDENT

EXT.P-9: TRUE COPY OF THE ORDER DATED 31.10.2015 IN MP NO.782/2015 IN MVAA NO.235/2015

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

**W.P.(C). Nos. 34073, 34075, 34083 &
34122 OF 2015**

Dated this the 13th day of November, 2015

JUDGMENT

The Joint Registrar (General), Co-operative Societies, Vazhuthakad P.O., Thiruvananthapuram was present in Court with the relevant records. The same reflected that the accounts of the Taxi Drivers Co-operative Societies Limited had not been audited since 2006-07. There was no managing committee in office during the period from 2007 to 2014 and a new committee assumed office on 18.08.2014.

2. The society is literally a one man show with only one paid Secretary. The Senior Government Pleader points out that an enquiry under Section 65 of the Kerala Co-operative Societies Act against the society is pending. It is also stated that the income generated by operating the four stage carriage services are also not duly accounted for. The society has started maintaining

accounts only from 01.08.2015 and it is doubtful whether the entire income is being credited into the accounts of the society.

3. It cannot be disputed that the society owes about Rs. 1 Crore as on today towards the loan availed from the District Co-operative Bank. The Division Bench of this Court in W.A. No. 1156/2012 observed in the judgment dated 26.06.2012 as follows:-

"On the other hand appellant is a complete bankrupt organisation with substantial liability due to District Co-operative bank and also to KFC. We do not think any purpose will be served by Government financing the appellant society which have proved it's incapacity to run the business of operation of stage carriages"

4. The Regional Transport Authority has given reasons as to why the permit in favour of the society cannot be renewed. Whether the reasons are sound enough and can stand legally scrutiny is a matter to be decided in the appeals pending with the State Transport Appellate Tribunal. I do not think that a strong

prima facie case has been made out by the society for an interim grant of permit pending appeals in the circumstances. I quash the impugned orders of the State Transport Appellate Tribunal directing the permits to be issued in favour of the society pending hearing of the appeals.

5. The appeals - M.V.A.A. Nos. 233, 234, 235 and 236 of 2015 shall be disposed of untrammelled by the observations contained in this judgment. The same shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petitions are disposed of.

**V. CHITAMBARESH
JUDGE**

DCS