

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 37346 of 2015 (P)

PETITIONER:

A.SUNDARAN, S/O.ARUMUGHAN PILLA,
H.NO.10/269, GANESHAPURAM,
PAMPAMPALLAM P.O., KANJICODE, PIN - 678 621
PALAKKAD DISTRICT.

BY ADVS.SRI.P.SANTHOSH KUMAR (TR)
SRI.T.PSAJAN

RESPONDENTS:-

1. REGIONAL TRANSPORT AUTHORITY, PALAKKAD,
REPRESENTED BY ITS SECRETARY, PALAKKAD - 678 001.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD - 678 001.
3. K.SENTHIL ARASU, 7/175, SAI SADAN,
MANIYANKAD, KOPPAM, PALAKKAD TALUK,
PALAKKAD DISTRICT PIN - 678 011.

R3 BY ADV. SRI.I.DINESH MENON
BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA K.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-12-2015,
ALONG WITH WP(C) NO. 37857/2015 THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1	TRUE COPY OF THE PERMIT IN RESPECCT OF THE VEHICLE KL-18 D 2007.
EXH.P2	TRUE COPY OF THE PROCEEDINGS OF THE FIRST RESPONDENT GRANTING PERMIT TO THE 3RD RESPONDENT DATED 12.02.2015.
EXT.P3	TRUE COPY OF THE ROUGH SKETCH SHOWING THE LIE OF NH AND THE ADDITIONAL DISTANCE TO BE TRAVERSED FOR REACHING PUDUSSERY FROM VENONLI AND VICE VERSA.
EXT.P4	TRUE COPY OF THE REPRESENTATION DATED 12.10.2015 FILED BY THE PETITIONER.
EXT.P5	TRUE COPY OF THE JUDGMENT DATED 27.10.2015 N WP(C)32553/2015.
EXT.P6	TRUE COPY OF THE JUDGMENT DATED 11.08.2015 IN WP(C)NO.24266/15.
EXT.P7	TRUE COPY OF THE REPORT DATED 23.11.2015 OF THE MOTOR VEHICLES INSPECTOR.
EXT.P8	TRUE COPY OF THE SKETCH PRODUCED ALONG WITH EXT.P7 OF THE MOTOR VEHICLES INSPECTOR.
EXT.P9	TRUE COPY OF THER PROCEEDINGS DATED 28.11.2015 ISSUING REGULAR PERMIT WITH TIMINGS.
EXT.P10	TRUE COPY OF THE AGENDA PORTION SHOWING THE PROPOSES TIMINGS.
EXT.P11	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 24.11.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

V.CHITAMBARESH, J.

W.P(C)NOs. 37346 & 37857 OF 2015

Dated this the 21st day of December, 2015

JUDGMENT

The formation of a four track road from Vadakkanchery to Walayar has been well noticed in the judgment dated 27.10.2015 in W.P(C)32553/2015. I agree with the report dated 23.11.2015 of the Motor Vehicles Inspector that a 'U' turn shall not be permitted in the four track road to avoid accidents and that under passages available should be utilised.

2. It is reported that an under passage exists in front of Fluid Control Research Institute, Kanjikode on the route operated by the petitioners. The necessity to utilise the under passage entails in the vehicles travelling additional distance warranting variation of permits.

3. The Regional Transport Authority, Palakkad shall exercise the power vested in it under Sec.72(2)(xxii) in respect of the permits held by all the operators on the route. The necessity to vary the permit and fix the timings shall be considered by the Regional Transport Authority after notice to the operators.

4. The decision in **Moideenkutty vs. State Transport Appellate Tribunal (1989 (1) KLT 9)** is distinguishable as it relates to traffic regulations within the city. The instant case is a traffic regulation well outside the town limits on the four track road from Palakkad to Coimbatore.

5. The Secretary, Regional Transport Authority pending the exercise as above shall accept Ext.P4 timings proposed by the petitioner in W.P(C)No.37857/2015. An adhoc permit shall be issued to the petitioner in W.P(C)No.37857/2015 for this purpose within two weeks. The same will continue to hold the field till the Regional Transport Authority finalises the timings after variation of the permit exercising the power under Sec.72(2) (xxii) of the Motor vehicles Act, 1988.

These writ petitions are disposed of as above.

V.CHITAMBARESH, JUDGE

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