

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945

WP(C) NO. 35556 OF 2023

PETITIONER:

SAJI K.K
AGED 43 YEARS
S/O KURIAKOSE, KALLADY HOUSE, KIDANGANAD P.O,
SULTHAN BATHERY, WAYANAD-, PIN - 673 592.

BY ADVS.
P.DEEPAK
NAZRIN BANU

RESPONDENTS:

- 1 THE REGIONAL TRANSPORT AUTHORITY
WAYANAD, (REPRESENTED BY ITS SECRETARY)
REGIONAL TRANSPORT OFFICE, WAYANAD, PIN - 673 121.
- 2 THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, WAYANAD REGIONAL
TRANSPORT OFFICE, WAYANAD, PIN - 673 121.

OTHER PRESENT:

JOBY JOSEPH-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DINESH KUMAR SINGH, J.

WP(C) NO. 35556 OF 2023

Dated this the 31st day of October, 2023

J U D G M E N T

1. The present writ petition has been filed seeking for the following reliefs:-

- “i. Issue a writ in the nature of certiorari or such other writ, order or direction calling for the records leading to Exhibit P3 and quash the same.*
- ii. Issue a writ in the nature of mandamus or such other writ, order or direction commanding the 1st respondent to forthwith reconsider Exhibit P1 application for regular permit on its own terms, i.e., without insisting on any modified proposal to be submitted by the petitioner untrammelled by Exhibit P3 decision.*
- iii. Issue such other writ or direction as this Honorable Court may deem fit and apposite in the facts and circumstances of the case.”*

2. The petitioner had submitted an application for the grant of a fresh stage carriage permit on the route Kolavally - Kalpetta via Seethamound, Paalichira, Pulpally, Irulam, Bathery & Ambalavayal.

3. The Regional Transport Authority, Wayanad in its proceedings dated 12.07.2023 has taken a decision as under:-

“Decision: Heard. This is an application for fresh regular stage carriage permit in respect of new or suitable stage carriage to operate on the route Kolavally - Kalpetta via Seethamound, Paalichira, Pulpally, Irulam, Bathery and traffic in Kalpetta new bus stand Kalpetta as ordinary service. The field officer has recommended to extend the second onward trip to Ambalavayal via Thomattuchal, Kadalmad, Narikund. Narikkund, Munnoor, Thomath chal and Wims Hospital. Hence, the applicant is directed to submit a modified set

*of timing proposal, providing more of trips to ill-served areas Ambalavayal via Thomattuchal, Kadalmad, Narikund. Narikkund, Munnoor, Thomath chal and Wims hospital etc. On receipt of such a proposal from the applicant, the Secretary shall conduct an enquiry regarding its feasibility and place the matter before this authority for reconsideration. **For the compliance of the above directions, the decision on the application is adjourned.***

4. Learned counsel for the petitioner submits that the Regional Transport Authority ought to have considered the application of the petitioner for the route as mentioned in the application and the petitioner ought not to have been directed to amend the application. The Regional Transport Authority should take the decision on the application as it is filed.

5. Learned Government Pleader submits

that if the petitioner does not want to amend the application. The Regional Transport Authority will consider the application as it is and pass a fresh order.

6. On a specific question to the learned counsel for the petitioner, the learned counsel has stated that the petitioner does not want to amend the application and he would like his application should be considered as has been filed for the routes suggested in the application. Considering the said stand, the 1st respondent is directed to consider the application of the petitioner for the route as suggested in the application as the petitioner does not want to amend the route as suggested by the order Ext.P3 and pass a fresh order on the application of the petitioner in the next meeting or within a period of one month, whichever is earlier.

With the aforesaid direction, the present writ petition is disposed of.

Sd/-
DINESH KUMAR SINGH
JUDGE

rpr

APPENDIX OF WP(C) 35556/2023

PETITIONER'S EXHIBITS

Exhibit P1	A TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT DATED 01.07.2022.
Exhibit P2	A TRUE COPY OF THE TIME-SCHEDULE SUBMITTED ALONG WITH THE APPLICATION FOR REGULAR PERMIT DATED NIL.
Exhibit P3	A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT DATED 12.07.2023 IN ITEM NO: 14.
Exhibit P4	A TRUE COPY OF THE JUDGMENT DATED 10.02.2015 IN WPC NO: 3836 OF 2015.