

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 17TH DAY OF JANUARY 2024/27TH POUSHA, 1945

WP(C) NO. 41169 OF 2023

PETITIONER:

O.PRADEEPAN,
AGED 56 YEARS, S/O KRISHNAN,
GEETHA NIVAS, ANJARAKANDY VENGAD .P.O.
KANNUR DISTRICT, PIN - 670 612.

BY ADV
PRASAD CHANDRAN

RESPONDENTS:

- 1 THE REGIONAL TRANSPORT AUTHORITY
MALAPPURAM, REPRESENTED BY ITS SECRETARY
CIVIL STATION, UPHILL, MALAPPURAM.,
PIN - 676 101.
- 2 THE SECRETARY
REGIONAL TRANSPORT AUTHORITY MALAPPURAM , CIVIL
STATION,UPHILL , MALAPPURAM, PIN - 676 101.

BY
S.GOPINATHAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 17.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 17th day of January, 2024

The petitioner was operating a Stage Carriage bearing registration No.KL-56E-8574 on the route Kannur-Thrissur. In view of Government Order dated 03.05.2023, the operation of services above 140 km were restricted. The petitioner submitted Ext.P1 application for renewal of permit. The petitioner also submitted Ext.P4 application for variation/curtailment of the permit confining to ply on the route Kozhikode-Thrissur, which would be within the limit of 140 km.

2. The grievance of the petitioner is that his application for variation/curtailment is not being considered by the competent authority expeditiously.

3. In the meanwhile, the petitioner has submitted Ext.P6 application for Temporary Permit. The said application is also not being finalised. In view of the delay on part of the respondents, the petitioner is forced to ground his vehicle KL-56E-8574 causing financial loss and damage to the

petitioner.

4. Senior Government Pleader entered appearance on behalf of the respondents and resisted the writ petition. On behalf of the 2nd respondent, it is submitted that the petitioner has been operating in Kannur-Thrissur route, the length of which is beyond 140 km. In view of the Government decision and in view of the Government Order dated 03.05.2023, the renewal of Regular Permits beyond 140 km cannot be allowed. Therefore, the petitioner's application for renewal of permit was not allowed.

5. The petitioner has applied for variation/curtailment of his Regular Permit. Since even the curtailed route was spread over the districts of Thrissur, Malappuram and Kozhikode, concurrence of the various authorities in different districts are required. According to the Senior Government Pleader, steps have been taken for obtaining concurrence of various authorities. The application of the petitioner can be expedited at the earliest subject to the objections that may be raised by the en-route operators and the KSRTC.

6. I have heard the learned Counsel appearing for the petitioner and the learned Government Pleader representing the

respondents.

7. The fact remains that the petitioner has been operating his vehicle bearing registration No.KI-56E-8574 in Kannur-Thrissur route. Due to Ext.P3 Government Order dated 03.05.2023, the petitioner is not in a position to continue Kannur-Thrissur route. It is in such circumstances that the petitioner submitted Ext.P4 application for variation/curtailment of route, confining a proposal to run the Stage Carriage from Kozhikode to Thrissur.

8. As contended by the Senior Government Pleader, on behalf of the 2nd respondent, since the proposed variation/curtailment route also passes through various districts, Inter-district consultation would be necessary. Taking into consideration the fact that the petitioner has made Ext.P4 application dated 10.10.2022, the respondents shall take a decision thereon as expeditiously as possible, making required consultation and considering objections any that may come up.

The writ petition is therefore disposed of directing the 1st respondent-Regional Transport Authority to considering Ext.P4 application for variation/curtailment permit submitted by

the petitioner in the very next Board Meeting itself. The petitioner seeks consideration of Ext.P6 application for Temporary Permit also. The Senior Government Pleader would submit that the 2nd respondent-Secretary has no authority to consider such application in respect of inter-district services.

In such circumstances, the 2nd respondent is directed to place Ext.P6 application for Temporary Permit submitted by the petitioner before the 1st respondent-Board and the 1st respondent-Board is directed to consider the application and pass appropriate order thereon within a period of four weeks, if necessary by circulation, by invoking Rule 130 of the Kerala Motor Vehicles Act.

Sd/-
N. NAGARESH
JUDGE

AMR

APPENDIX OF WP(C) 41169/2023

PETITIONER'S EXHIBITS

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| Exhibit P1 | A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR RENEWAL OF PERMIT OF THE PERMIT IN FORM PRA DATED 01.10.2019. |
| Exhibit P2 | A TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE PETITIONER VALID TILL 10.03.2023. |
| Exhibit P3 | A TRUE COPY OF THE NOTIFICATION G.O.(P) NO.13/2023 TRANS DATED 03.05.2023. |
| Exhibit P4 | A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN FORM PVA DATED 10.10.2022. |
| Exhibit P5 | A TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT DATED 14.02.2023. |
| Exhibit P6 | A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR TEMPORARY PERMIT DATED 04.12.2023. |