



2024:KER:95132

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 13<sup>TH</sup> DAY OF DECEMBER 2024 / 22ND AGRAHAYANA, 1946

WP(C) NO. 41152 OF 2024

**PETITIONERS:**

- 1 SAJU JOSEPH,  
AGED 48 YEARS, S/O. JOSEPH,  
KARUPPAMPARAMBIL, KALLARA, KOTTYAM DISTRICT,  
PIN - 686 611.
- 2 JOBY GEORGE,  
AGED 48 YEARS, S/O. GEORGE,  
THADATHIL HOUSE, KALLARA, KOTTAYAM DISTRICT,  
PIN - 686 611.

BY ADV O.D.SIVADAS

**RESPONDENTS:**

- 1 THE SECRETARY,  
THE REGIONAL TRANSPORT AUTHORITY,  
REGIONAL TRANSPORT OFFICE, CIVIL STATION P.O.,  
KOTTAYAM, PIN - 686 002.
- 2 THE MANAGING DIRECTOR,  
KERALA STATE ROAD TRANSPORT CORPORATION,  
CHIEF OFFICE, THIRUVANANTHAPURAM, PIN - 686 002.
- 3 BIJU THOMAS,  
AGED 56 YEARS, S/O. THOMA,  
PULINTHOTTIYIL HOUSE, UZHAVOOR P.O., KOTTAYAM,  
PIN - 686 634.

BY ADVS.

ENOCH DAVID SIMON JOEL (FOR R3)  
S.SREEDEV  
RONY JOSE  
LEO LUKOSE  
KAROL MATHEWS SEBASTIAN ALENCHERRY  
DERICK MATHAI SAJI  
KARAN SCARIA ABRAHAM  
ITTOOP JOY THATTIL  
P.S.VISHNU  
AKHIL SURESH, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
13.12.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

Petitioners have approached this Court challenging Ext.P8 order in M.P.No.2774/2024 in MVAA No.180/2024 on the file of the State Transport Appellate Tribunal, Ernakulam. A reading of Ext.P8 order indicates that the order is one extending the interim order in M.P.No.2057/2024 issued in respect of a stage carriage bearing No.KL-36-9190. The order in M.P.No.2057/2024 has not been challenged in this writ petition.

2. The learned counsel appearing for the petitioners would submit that Ext.P8 order was one issued after allowing the impleading petition filed by the petitioners. It is submitted that the petitioners ought to have been heard and the contentions taken by the petitioners ought to have been considered before directing the issuance of a further temporary permit.

3. The learned counsel appearing for the 3<sup>rd</sup> respondent submits that MVAA No.180/2024 was filed challenging Ext.P3 order of the Secretary, Regional Transport Authority, Kottayam. It is submitted that after considering the contentions taken by the 3<sup>rd</sup> respondent, the State Transport Appellate Tribunal, Ernakulam, came to the conclusion that the 3<sup>rd</sup> respondent was entitled to an order directing the grant of a temporary permit. It



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is submitted that MVAA No.180/2024 is now listed for consideration on 20-12-2024.

4. Heard the learned Standing Counsel appearing for the Kerala State Road Transport Corporation also.

5. Having heard the learned counsel for the petitioners, the learned Standing Counsel appearing for the Kerala State Road Transport Corporation and the learned counsel for the 3<sup>rd</sup> respondent, I am of the view that, since Ext.P8 is only an interim order, it is not necessary for this Court to consider any challenge to Ext.P8 on merits.

Accordingly this writ petition will stand disposed of without interfering with Ext.P8 and permitting the petitioners to raise all contentions during final disposal of MVAA No.180/2024. All contentions raised by both sides are left open.

**Sd/-  
GOPINATH P.  
JUDGE**

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**APPENDIX OF WP(C) 41152/2024**

**PETITIONERS' EXHIBITS**

- Exhibit P1** THE COPY OF THE TIMING ALLOTTED TO THE 1ST PETITIONER'S SERVICE BEARING NO.KL05/AT 8001
- Exhibit P2** THE COPY OF THE TIMING ALLOTTED TO THE 2ND PETITIONER'S SERVICE BEARING NO.KL05/AV 4113
- Exhibit P3** THE COPY OF THE ORDER NO. J3/9190/2024/K DATED 15.07.2024 ISSUED BY THE 1ST RESPONDENT
- Exhibit P4** TRUE COPY OF THE MP NO. 2173 OF 2024 IN MVAA NO. 180 OF 2024 DATED 30.08.2024, THE APPLICATION FOR IMPEADING FILED BY THE PETITIONERS BEFORE THE HON'BLE STAT IS
- Exhibit P5** TRUE COPY OF THE MP NO. 2173 OF 2024 IN MVAA NO. 180 OF 2024 DATED 30.08.2024, THE APPLICATION FOR IMPEADING FILED BY THE PETITIONERS BEFORE THE HON'BLE STAT IS
- Exhibit P6** THE COPY OF THE TEMPORARY PERMIT DATED 22.10.2024 ISSUED TO THE 3RD RESPONDENT
- Exhibit P7** THE COPY OF THE SCREEN SHOTS OF THE PROCEEDINGS OF THE LEARNED TRIBUNAL ON 12.11.2024 AND 14.11.2024 OBTAINED FROM THE E-COURT WEBSITE
- Exhibit P8** THE COPY OF THE APPLICATION FOR EXTENSION OF INTERIM ORDER FIELD BY THE 3RD RESPONDENT BEFORE THE LEARNED TRIBUNAL, IN MVAA NO. 180 OF 2024 DATED 7.01.2024

**RESPONDENT'S EXHIBITS**

- Exhibit R3(a)** A true copy of the judgment dated 14.08.2024 in W.P.(C) No. 22509 of 2024 on the files of this Hon'ble Court.



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- Exhibit R3(b)** A true copy of the temporary permit dated 16.11.2024 issued by the 1st Respondent.
- Exhibit R3(c)** A true copy of the OCI card numbered A1375779 issued on 12.07.2013.
- Exhibit R3(d)** A true copy of M.P. No. 2774/2024 in MVAA No. 180/2024 dated 08.11.2024 filed by the 3rd respondent.
- Exhibit R3(e)** A TRUE COPY OF THE ORDER DATED 07.08.2024 IN M.P. NO. 1907/2024 IN M.V.A.A. NO. 180/2024 ON THE FILES OF THE HON'BLE STATE TRANSPORT APPELLATE AUTHORITY.
- Exhibit R3(f)** A TRUE COPY OF THE INTERIM ORDER DATED 24.08.2024 IN M.P. NO. 2057/2024 IN M.P. NO. 1907/2024 ON THE FILES OF THE HON'BLE STATE TRANSPORT APPELLATE AUTHORITY IN M.V.A.A. NO. 180/2024.
- Exhibit R3(g)** A TRUE COPY OF THE INTERIM ORDER DATED 13.09.2024 IN M.P. NO. 2230/2024 IN M.P. NO. 2057/2024 IN M.V.A.A. NO. 180/2024 ON THE HON'BLE STATE TRANSPORT APPELLATE AUTHORITY.
- Exhibit R3(h)** A TRUE COPY OF THE INTERIM ORDER DATED 27.09.2024 ISSUED IN M.P. NO. 2326/2024 IN M.P. NO. 2230/2024 IN M.V.A.A. NO. 180/2024 ON THE FILES OF THE HON'BLE STATE TRANSPORT APPELLATE AUTHORITY.
- Exhibit R3(i)** A TRUE COPY OF THE TEMPORARY PERMIT DATED 17.08.2024 ISSUED IN FAVOUR OF THE APPLICANT/3RD RESPONDENT PURSUANT TO EXT.R3(E).
- Exhibit R3(j)** A TRUE COPY OF THE TEMPORARY PERMIT DATED 03.09.2024 ISSUED IN FAVOUR OF THE APPLICANT/3RD RESPONDENT PURSUANT TO EXT.R3(F).