
(2011) 01 KL CK 0134

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 29083 of 2010 (I)

K.M.Mathew

APPELLANT

Vs

The Regional Transport Authority and The Secretary

RESPONDENT

Date of Decision : 13-01-2011

Acts Referred:

Citation : (2011) 01 KL CK 0134

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : Sri Gopalakrishna Menon, for the Appellant; Government Pleader, for the Respondent

Judgement

P.N.Ravindran, J.—The Petitioner is a stage carriage operator operating a stage carriage on the route Pala-Muttam-Valakam via. Chellavayal, Kanjirathumkavala, Melukavu. He had applied for variation of the permit by curtailing the sector between Muttam and Valakam covering a distance of 12 Kms, thereby limiting the operation of the service on the sector Pala-Muttam. By Ext.P4 order passed on 22.1.2009 the Regional Transport Authority, Kottayam rejected that application. Aggrieved thereby he filed M.V.A.A. No. 227 of 2009 before the State Transport Appellate Tribunal, Ernakulam. By Ext.P5 judgment delivered on 29-10-2009 the State Transport Appellate Tribunal allowed the appeal, set aside Ext.P4 and remanded the Petitioner's application to the Regional Transport Authority, Kottayam for fresh consideration in the light of the observations made therein. The Regional Transport Authority, Kottayam thereafter met on 20.5.2010 to reconsider the Petitioner's application. However, by Ext.P6 order, the application W.P(C). No. 29083 of 2010 was adjourned to await a report from the Field Officer as to whether the curtailment of the route will adversely affect the travelling public. The grievance voiced by the Petitioner in this writ petition is that instead of expeditiously passing orders on his application for variation of the permit, the Regional Transport Authority has adjourned the application and called for a report, which according to the Petitioner was quite unnecessary in view of

the observations in Ext.P5 judgment. In this writ petition the Petitioner challenges Ext.P6 order and seeks a direction to the first Respondent to pass revised orders on his application for variation of the permit within a time limit to be fixed by this Court without waiting for the report from the Field Officer.

2. When the writ petition came up for hearing today, the learned Counsel for the Petitioner submitted that the Regional Transport Authority that met on 23.12.2010 reconsidered the Petitioner's application, but till date orders have not been passed thereon. In such circumstances as the Regional Transport Authority had met again on 23.12.2010 for the purpose of reconsidering the Petitioner's application, I am of the opinion that the ends of justice will be met if the Regional Transport Authority is directed to take a decision on the Petitioner's application for W.P(C). No. 29083 of 2010 variation of the permit pursuant to Ext.P5 order of remand passed by the State Transport Appellate Tribunal expeditiously.

3. I accordingly dispose of the writ petition with a direction to the Regional Transport Authority, Kottayam to pass orders pursuant to the meeting held by it on 23.12.2010 expeditiously and in any event within one month from the date on which the Petitioner produces a copy of this judgment before the second Respondent. The Regional Transport Authority shall after orders are passed on the Petitioner's application communicate a copy thereof to him expeditiously. If the Petitioner is aggrieved by the order passed by the Regional Transport Authority, it will be open to him to challenge the same in other appropriate proceedings.

His contentions on the merits are kept open.