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**(2012) 06 KL CK 0028**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) . No. 12059 of 2012**

Subhash

APPELLANT

Vs

The District Collector and Chairman, Regional Transport  
Authority, Ernakulam 682 030 and Others

RESPONDENT

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**Date of Decision : 11-06-2012**

**Acts Referred:**

**Citation : (2012) 06 KL CK 0028**

**Hon'ble Judges : K. Surendra Mohan, J**

**Bench : Single Bench**

**Advocate :** P.F. Rosy, Sri. V.M. Syam Kumar, for the Appellant; A.R. Pravitha, Shri. G. Gopakumar, Government Pleader and Sri. K. Mohanakannan, Addl. Advocate for R7, for the Respondent

**Final Decision : Dismissed**

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## **Judgement**

K. Surendra Mohan, J.—The petitioner is a stage carriage operator who has been conducting services on the route Tripunithura-Eroor with stage carriage bearing registration No: KL-07/BA 1060. He has filed this writ petition challenging Ext.P1 decision by which the Regional Transport Authority (RTA for short) headed by the first respondent has suspended his permit for a period of twenty days. Ext.P1 decision has been taken for the reason that the petitioner's stage carriage was found to have curtailed trips in violation of his permit conditions. Such unauthorised trip curtailment was seen to be continuing even after action was taken against the first offence. Therefore, on the ground that the petitioner was a habitual offender, his permit has been suspended. According to the counsel for the petitioner, the agenda for the meeting of the RTA is Ext.P2 in which the number of vehicles that were charged with the offence are listed. The petitioner's vehicle is not seen listed thereunder. For the above reason, it is contended that the petitioner has been proceeded against without any authority and on the basis of extraneous consideration. The petitioner therefore seeks the issue of appropriate orders and directions setting aside Ext.P1.

2. A counter affidavit has been filed on behalf of the fourth respondent in the connected W.P(C) 12038/2012 disputing the contentions of the petitioner. As per the counter affidavit, there were complaints from the Vennala South Residents Association alleging that the stage carriage operators were indulging in unauthorised curtailment of trips and seeking initiation of action against them. They had also approached this Court and directions have been issued as per Ext.R7(a) judgment, to take appropriate action in the matter. Proceedings in contempt are also pending against the respondent. Therefore, initially action was taken against the erring stage carriage operators and a compounding fee was imposed on them in lieu of suspension of permit. Since the operators were found to indulge in curtailment of trips even after the said action, the matter was considered again by the Regional Transport Authority and a show cause notice was issued to the petitioner also. It was thereafter that the matter was considered and a decision taken as evident from Ext.P1. With respect to the specific contention of the petitioner that the registration number of his vehicle was not included in the agenda, the learned Govt. Pleader refers to Ext.R4(g) produced along with the counter affidavit filed in the connected case, which is the original agenda of the meeting. Ext.R4(g) shows that the vehicle of the petitioner had also been included in the agenda. According to the learned Govt. Pleader, though the petitioner had been issued with a show cause notice, he had not responded or submitted any objections and therefore, further action was taken on the ground that he had no explanation to offer. Ext.P5 is also referred to, to point out that the petitioner had been found operating his vehicle even after the issue of Ext.P1, without any justification. Having considered the rival contentions of the counsel for the petitioner as well as the learned Govt. Pleader, I am not satisfied that the impugned proceedings require any interference at the hands of this Court. It is clear from what is stated above that the petitioner had been found to indulge in curtailment of the trips in violation of the permit conditions. The initial action taken was to impose a compounding fee in lieu of suspension of permit. The said action did not prove to be effective and the curtailment was repeated. Therefore, Ext.P1 has been issued suspending the petitioner's permit for a period of 20 days. The said decision has been taken after issuing show cause notice to the petitioner, to which he did not choose to respond. In the above circumstances the action of the Regional Transport Authority in initiating further proceedings on the presumption that he had no explanation to offer is perfectly justified. Ext.P5 produced by the petitioner himself shows that the petitioner had been found to be operating his services in spite of the suspension of his permit and that too after disconnecting the speed governor of his vehicle. For the above reasons, I hold that the impugned proceedings do not suffer from any infirmity warranting interference at the hands of this Court.

Writ petition fails and is accordingly dismissed.