

(1987) 09 KL CK 0001

In the High Court Of Kerala

Case No : O.P. No. 4848 of 1985-T

The Managing Partner, National Transport Co.

APPELLANT

Vs

R.T.A., Kozhikode and Others

RESPONDENT

Date of Decision : 24-09-1987

Acts Referred:

Motor Vehicles Act, 1939 — Section 47, 48

Citation : AIR 1989 Ker 10

Hon'ble Judges : T.L. Viswanatha Iyer, J

Bench : Single Bench

Advocate : K.P. Dandapani, for the Appellant; Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

T.L. Viswanatha Iyer, J.—The petitioner, who is operating a stage carriage on the route Kozhikode-Taliparamba, with a cut trip from Kozhikode to Badagara, applies for curtailment of the route, limiting it to Kozhikode-Cannanore, together with the cut trip. According to him, there were many new permits granted in the route Cannanore-Taliparamba so that the interests of the travelling public in that sector will not be affected by the curtailment. The Regional Transport Authority who considered the petitioners application however, found no reason to curtail the route, and to limit it up to Cannanore, as it was felt that such curtailment beyond Cannanore was not in public interest. The petitioner filed a revision petition before the State Transport Appellate Tribunal. The Tribunal, after an elaborate consideration of the matter, held that the fact that the route from Cannanore to Taliparamba was adequately served was no justification for the curtailment sought, inasmuch as it had not been proved that there were adequate services between Kozhikode and Taliparamba, enough to meet the requirements of the public. The Revision Petition was therefore dismissed by the order, a copy of which is Ext. P4.

2. The Motor Vehicles Inspector, Cannanore had reported that the sector Cannanore-Taliparamba was well served with stage carriage running with only a

gap of five minutes. This report was the mainstay of the petitioner's contentions before me. However, it has to be noted that there is no report or material that the route Kozhikode-Taliparamba was that well served as to justify curtailment of the route beyond Cannanore, for the petitioner's stage carriage. In the case of such long distance routes, what is relevant and what has to be considered when an application for variation by curtailment is made in the interest of the travelling public in relation to the entire route between the termini, and not merely whether the cut sectors, comprising the route, are well served. Adequacy of services in the different sectors is not the criterion in the consideration of such an application. The long distance service is intended to subserve and to cater to the needs of the travelling public between the termini or between the different outlying sectors by providing them a direct service instead of driving then to hop from place to place or sector to sector. It is hardly any consolation for a long distance traveller from Kozhikode to Taliparamba to be told that the sectors Kozhikode-Badagara Badagara Tellicherry. Tellicherry-Cannanore or Cannanore-Taliparamba are well served. What the travelling public of Calicut or Badagara look for is the facility of a direct service, which is speedy and convenient to Taliparamba and vice versa. So long as this facility is not adequately provided, and so long as there is no dearth of passengers on the long distance sectors, the question of curtailment cannot arise.

3. Counsel for the petitioner had a further contention that the decision of respondents 2 and 4 is not supported by any material. According to her, these authorities had no material to hold that the route Kozhikode-Taliparamba is not well served. The contention, to say the least, is strange. The permit had been granted based on need. The grant of subsequent permits on the same route, or in the various sectors within the route, is also based on need and in the interests of the public. If the petitioner nevertheless wants to contend that the need for the route up to Taliparamba does not subsist, it is for him to substantiate it with cogent or relevant materials. Apart from his ipse dixit, no material has been produced by the petitioner, in support of his contention. This contention only deserves to be overruled.

4. The existing facilities from Kozhikode to Taliparamba it was felt, should not be reduced or affected. The fact that the sector between Cannanore and Taliparamba is well served is not a justification for curtailing the existing facilities available to the travelling public on the route for their journeys to and from Taliparamba. No material has been placed before me by counsel for the petitioner to show that the sector Calicut to Taliparamba is also well served so that any curtailment of the permit in question will not affect the interest of the travelling public. The Tribunal has in a well considered judgment dealt with all the relevant matters and come to the conclusion that it is not proper in the interests of the public, to curtail the route Kozhikode-Taliparamba, beyond Cannanore. I do not find any reason to interfere with the same.

The Original Petition therefore entails dismissal and it is accordingly dismissed.

No costs.