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Karunakaran Vs. Nibu

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Court : Kerala

Decided On : Feb-17-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Karunakaran

Respondent : Nibu

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN MONDAY,THE17H DAY OF FEBRUARY201428TH MAGHA, 1935 RP.No. 78 of 2014 () ---------- AGAINST THE

JUDGMENT
IN WP(C).NO. 31530/2013 OF THIS HONOURABLE COURT DATED1912/2013 --------- REVIEW PETITIONER/PETITIONER: ---------- JIJO MATHEW S/O. MATHEW, THELEKKATTU HOUSE, KADUKUTTY P.O. THRISSUR. BY ADV. SRI.G.PRABHAKARAN RESPONDENTS / RESPONDENTS : ---------- 1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY THRISSUR-680 003.

2. THE REGIONAL TRANSPORT THRISSUR, REPRESENTED BY ITS SECRETARY-680 003. R1 & R2 BY GOVT. PLEADER SMT. R. REMA THIS

REVIEW PETITION HAVING COME UP FOR ADMISSION ON1702-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...2/- RP.No. 78 of 2014 () APPENDIX PETITIONERS' ANNEXURES : ANNEXURE A1 : COPY OF THE COMMUNICATION OF THE RTO, THRISSUR NO. C9/684/2013 DATED71.2014. ANNEXURE A2 COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE1T RESPONDENT DATED102.2014. RESPONDENT'S ANNEXURES : NIL //TRUE COPY// P.A. TO JUDGE Mn K.VINOD CHANDRAN, J - R.P.78/2014 in W.P.(C).No. 31530/2013 - - - - - - - - - - - - - - - - Dated 17th February, 2014 -

ORDER

The petitioner is a person who had a regular permit in the route Chalakudy - Koratty. Though the petitioner had submitted renewal application, it is the contention of the petitioner, the same was considered without notice to him and was revoked for non production of current records within time. Admittedly, the application was pending consideration before the STAT in a properly instituted revision. In the meanwhile, the petitioner, alleging a need for service in the route, approached the Secretary, RTA, for a temporary permit contending that the Sabarimala season as also the other festivals raise an imminent need for such a service. Petitioner also approached this Court and this Court by judgment sought to be reviewed, directed consideration of the issuance of temporary permit for the period commensurate with the festival season. The Secretary, RTA, now is said to be not considering the application RP.78/14 2 since the Sabarimala festival is over. It has to be noticed that in the judgment dated 19.12.2013, the petitioner's contention regarding Sabarimala festival was noticed and it was also directed that permit be issued commensurate with the festival season. That was only to indicate that if at all festival season goes beyond 20 days that also has to be included in the issuance of temporary permit. However, it cannot be taken as a direction to terminate the temporary permit immediately on the Sabarimala season being over. It is also trite that it is for the Secretary to look at the need for a service in such route and issue temporary permit in accordance with such need.

2. In the circumstances of alleged revocation of permit and no other service having been started in the said route, necessarily the Secretary ought to consider the application for issuance of temporary permit, with reference to the need for a service, if any. Same shall be done at any rate, within one week from the date of RP.78/14 3 production of a copy of this judgment. The judgment does not require to be reviewed. Review Petition closed with the above clarification. Sd/- K.VINOD CHANDRAN, Judge Mrcs

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