

Able Mathew Vs. the Regional Transport Authority, Muvattupuzha

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Able Mathew

Respondent : The Regional Transport Authority, Muvattupuzha

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 WP(C).No. 8015 of 2014 (B) ----- PETITIONER(S): ----- ABLE MATHEW POKKATHAYIL HOUSE, KOTTAPPADY P.O., CHEMANGAL KOTHAMANGALAM. BY ADV. SRI.P.DEEPAK RESPONDENT(S): ----- 1. THE REGIONAL TRANSPORT AUTHORITY, MUVATTUPUZHA, REPRESENTED BY ITS SECRETARY, MUVATTUPUZHA-686661.

2. THE SECRETARY REGIONAL TRANSPORT AUTHORITY, MUVATTUPUZHA-686661. BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-04-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 8015 of 2014 (B) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT P1 : A TRUE COPY OF THE APPLICATION

FOR REGULAR PERMIT DT.29-11- 2013. EXHIBIT P2 : A TRUE COPY OF THE PROCEEDINGS OF R1 DT.6-1-2014 IN ITEM NO.6. EXHIBIT P3 : A TRUE COPY OF THE SAID APPLICATION DT.2-12-2013 FILED BY SRI.WILSON. EXHIBIT P4 : A TRUE COPY OF THE PROCEEDINGS OF THE R1 DT.6-1-2014 ITEM NO.7. EXHIBIT P5 : A TRUE COPY OF THE REVISED SET OF TIMINGS FURNISHED BY THE PETITIONER ON133-2014. EXHIBIT P6 : A TRUE COPY OF THE APPLICATION FOR TEMPORARY PERMIT FILED ON133-2014. //True Copy// P.A. To Judge K.VINOD CHANDRAN, J - - - - - W.P.(C).No. 8015 of 2014 - - - - - Dated 2nd April, 2014 - - - - -

JUDGMENT

The petitioner was a regular stage carriage permit applicant in the route Panamkuzhy - Perumbavoor which application is evidenced by Ext.P1. On the same being taken up for consideration on 6.1.2014, the RTA Muvattupuzha adjourned the same by Ext.P2 on the ground that one other application on the same set of timings had been received. Hence, the petitioner was directed to submit a revised proposal. The petitioner has produced along with the writ petition, Ext.P3, the other application filed by a third party. In fact, Ext.P3 application also stood adjourned on 6.1.2014 by Ext.P4, citing similar reason as in Ext.P2.

2. The intelligent way to approach such issue; is to take up the application first in WP(C).8015/14 2 time and then, ask the second applicant to file revised proposal. It is also evident that even if both the permits were granted, timings would have to be settled by the Secretary, RTA, after hearing both parties. In any event, as things stand now, both stood adjourned directing modification of the proposed timings. The petitioner also does not raise any challenge with respect to the adjournment of his application. The petitioner has now filed Ext.P5 revised timings to be considered for grant of Ext.P1 regular permit application. Necessarily that would have to be considered by the RTA expeditiously.

3. Definitely, the need for a service is evident by the fact that there are two applicants in the same route. In such circumstances, it is only proper that Ext.P6 application for temporary permit be considered WP(C).8015/14 3 within a period of

two weeks from the date of receipt of a copy of this judgment with Ext.P5 proposed timings, subject, however, to the settlement on the issuance of the regular permit. Writ petition disposed of. SD/- K.VINOD CHANDRAN, Judge Mrcs

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