

Managing Director Vs. the Regional Transport Authority

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Court : Kerala

Decided On : Aug-06-2014

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : Managing Director

Respondent : The Regional Transport Authority

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN WEDNESDAY, THE 6TH DAY OF AUGUST 2014 15TH SRAVANA, 1936 WP(C).No. 26945 of 2013 (P) ----- PETITIONER : ----- MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, FORT, THIRUVANANTHAPURAM, REPRESENTED BY ITS AUTHORISED SIGNATOR, CHIEF LAW OFFICER, P.SURESH KUMAR, K.S.R.T.C, THIRUVANANTHAPURAM. BY ADV. SRI.P.C.CHACKO, SC RESPONDENT(S): ----- 1. THE REGIONAL TRANSPORT AUTHORITY, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY -695 039 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, THIRUVANANTHAPURAM -695 039 3. THANKAMANI AMMA, TC91288, JAI BHAVAN, KUNNIYOOR LANE, SASTHAMANGALAM, THIRUVANANTHAPURAM -695 010 R1 & R2 BY GOVERNMENT PLEADER SRI.R.RANJITH THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts WP(C).No. 26945 of

2013 (P) ----- APPENDIX PETITIONER(S)' EXHIBITS
----- EXHIBIT P1 TRUE COPY OF THE NOTIFICATION
NO.GO(P) NO. 42/2009 TRANS DATED1407-2009 EXHIBIT P2 TRUE COPY OF
GO(P) NO.108/94 PW&T DATED2411-94 EXHIBIT P3 TRUE COPY OF THE
DECISION DATED22-2012 BY THE1T RESPONDENT REJECTING THE
APPLICATION OF THE3D RESPONDENT EXHIBIT P4 TRUE COPY OF THE

JUDGMENT

DATED2702-2013 IN WPC NO.9997/2012 OF THIS HON'BLE COURT EXHIBIT
P5 TRUE COPY OF THE TEMPORARY PERMIT GRANTED TO THE3D
RESPONDENT DATED2310-2013 EXHIBIT P6 TRUE COPY OF THE
OBJECTION DATED2210-2013 SUBMITTED BY THE ASSISTANT TRANSPORT
OFFICER OF KSRTC, TVM TO THE2D RESPONDENT RESPONDENT(S)
EXHIBITS: NIL /TRUE COPY/ P.A.TO.JUDGE sts K. SURENDRA MOHAN, J
----- W.P(C). No. 26945 of 2013
----- Dated this the 6th day of August, 2014

JUDGMENT

In this case, notice was taken out by special messenger to the third respondent. The notice has been returned and the Registry has made the following endorsement: "Notice to R3 returned unserved, stating that R3 was not residing in the address given. Service not complete" 2. The case of the petitioner is that there is no such person as the third respondent. In spite of the above, it is alleged that an application for temporary permit was preferred in the name of the said person. Though the same was rejected the order of rejection has been challenged in an appeal M.V.A.No.102 of 2012 before the State Transport Appellate Tribunal. It is alleged that the said person had also filed a Writ Petition before this court as W.P.(c) No. 1997 of 2012. The judgment in the said Writ Petition is Ext.P4. Initially, in the writ petition, an interim order had been granted by this court, on the strength of which the third respondent has been conducting services on the route after obtaining temporary permits. Subsequently the Writ petition was dismissed as infructuous. The third respondent has also managed WP(c). No.26945/13 2 to keep the appeal pending before the State Transport Appellate Tribunal, since

2012. According to the learned counsel for the petitioner, the appeal is posted for hearing on 7.8.2014. The petitioner seeks a direction to the Tribunal to finally hear and dispose of the appeal tomorrow itself.

3. Having heard the learned Government Pleader also, it appears that there is more than what meets the eye in the matter. As already noticed above, though notice was tried to be served on the third respondent by special messenger, it is reported that no such person as the third respondent is residing at the address. It is therefore not clear as to who has been filing the proceedings referred to above, successively before this court, the Authorities under the Motor Vehicles Act, 1980 as well as the State Transport Appellate Tribunal. If the above is an exercise undertaken in the name of a fictitious person, the matter requires serious notice at the hands of the authorities. Anyhow, it is only proper that the appeal that is pending before the State Transport Appellate Tribunal is disposed of at the earliest, without giving further room for abuse of the process of law. Since the matter is posted to 7.8.2014, the State Transport Appellate Authority shall make every endeavour to dispose of the appeal on the same day WP(c). No.26945/13 3 itself or immediately thereafter without permitting the matter to be adjourned indefinitely.

4. This Writ Petition therefore is disposed of directing the State Transport Appellate Tribunal to take up MVA.No.102 of 2012 on priority basis and to hear and finally dispose of the matter on 7.8.2014 itself. For any reason if the appeal is adjourned, the same shall be finally disposed of within a period of two weeks thereafter. Sd/- K. SURENDRA MOHAN, JUDGE. Sou. // True copy //

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