

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 30TH JULY 2010 / 8TH SRAVANA 1932

WP(C).No. 23498 of 2010(J)

PETITIONER(S):

C.B.SURESHKUMAR, CHILANGALIYATH HOUSE,
VIYYOOR P.O., TIRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.
2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, MALAPPURAM.

BY SR. GOVT. PLEADER SRI.K.C.SANTHOSHKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/07/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

tss

K.SURENDRA MOHAN, J.

W.P.(C) No.23498 of 2010

Dated this the 30th July, 2010

JUDGMENT

The petitioner is the registered owner of a stage carriage vehicle bearing Reg.No.KL-08/AQ 2025 which is covered by a valid regular permit on the route Thrissur-Thalassery as a Limited Stop Ordinary Service (LSOS). The permit is valid till 21.4.2012. The route length of the petitioner is 200 kms. In view of the amendment to the Kerala Motor Vehicles Rules, 1989, services beyond 140 kms. cannot be operated as an ordinary service and a service that has a length of more than 200 kms. can be operated only as a Super Fast/Super Express service. Therefore, the petitioner has submitted a request for variation of the conditions of his permit by remitting the requisite fee. Since the application was not being considered, the petitioner had approached this Court by filing W.P.(C) No.6971/2010. The same was disposed of directing the first respondent to consider and pass orders on the petitioner's application, expeditiously. Thereafter,

though the application was placed before the first respondent on 24.6.2010, the same has been postponed stating that the petitioner was not a 'Fleet Owner'. According to the petitioner, since the definition of Fleet Owner has already been struck down by this Court in other proceedings, the said requirement is not necessary to be satisfied for a consideration of the petitioner's application. Therefore, he prays for the issue of appropriate directions for the disposal of his application.

2. I have heard the learned Senior Government Pleader Mr.K.C.Santhosh Kumar also.

3. It is pointed out by the Senior Government Pleader that there are other aspects like the interests of the travelling public that are to be taken into account while considering an application like the one submitted by the petitioner, as made mention of in the judgment of this Court in W.P.(C) No.14782/2009. Therefore, it is submitted that the said aspects may also be directed to be looked into while considering the application of the petitioner.

4. In the above circumstances, this writ petition is

disposed of directing the first respondent to consider the application submitted by the petitioner evidenced herein by Ext.P2, in accordance with law and in the light of the observations contained in Ext.P6 judgment and to pass appropriate orders thereon as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this judgment.

**K.SURENDRA MOHAN,
JUDGE**

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