

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Wednesday, the 19th day of June 2024 / 29th Jyaishta, 1946

IA.NO.1/2024 IN WP(C) NO. 3017 OF 2018

APPLICANT/1ST RESPONDENT IN WPC:

GOVERNMENT OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
MINISTRY OF TRANSPORT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.

RESPONDENTS/PETITIONERS AND RESPONDENTS 2 TO 4 IN WPC:

1. P.M.SURENDRAN, AGED 53 YEARS, PARAKKATTU VEEDU, PERUMPILLY P.O.,MULAMTHURUTHY, ERNAKULAM DISTRICT.
2. M.P.PRASAD, MANALIPARAMBIL HOUSE, ENATHY P.O., VAIKOM.
3. THE REGIONAL TRANSPORT AUTHORITY, ERNAKULAM - 682 030.
4. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,ERNAKULAM - 682 030.
5. THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,TRANSPORT BHAVAN, PATTOM, THIRUVANANTHAPURAM - 695001.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to to dispense with the personal appearance of the applicant on 19.06.2024 in the interest of justice.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of GOVERNMENT PLEADER for the petitioner, SRI.P.DEEPAK, Advocate for R1 & R2, SRI. SRI.P.C.CHACKO,STANDING COUNSEL & P.C.SASIDHARAN, Advocate for R4 the court passed the following:

DINESH KUMAR SINGH, J.

W.P.(C) No. 29501 of 2017 and
W.P.(C) No.3017 of 2018

Dated: 19th June 2024

ORDER

I.A. No.1/2024 in W.P.(C) No.3017/2018

This writ petition was filed way back in 2018. The challenge in this writ petition is the decision of the State Government taken under Section 102 of the Motor Vehicles Act 1988 approving the scheme of nationalization by Ext.P12 notification. The issue is whether the Government has followed the mandate of the law while nationalizing the route Ernakulam – Muvattupuzha by Ext.P12 notification. The writ petition has remained pending since 2018. The State Government has not cared to file a counter affidavit till date in this writ petition.

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2. In the absence of a response from the State Government to the allegations, the Court is not in a position to adjudicate the matter. Looking at the casual and callous attitude of the State Government to the Court proceedings and utmost disrespect to the Court, this Court in its Order dated 11.06.2024 directed the Principal Secretary, Transport Department to remain present before this Court today along with the record of the proceedings for perusal by the Court itself, as no response/counter affidavit has been filed on behalf of the State Government till date.

2.1 This Court is at pains to note the pathetic casual approach in Court proceedings and disrespect of the State Government to the Court and Court proceedings. In no case is the counter affidavit filed on time. The Government Counsel representing the State Government takes one adjournment after another on one pretext or the other for filing the counter

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affidavit in a matter, which results in a long pendency of the cases in the Court.

3. Instead of appearing in person with the record, an application, I.A. No.1/2024, has been filed seeking exemption from the personal appearance of the Principal Secretary, Dr K Vasuki IAS. The reasons for her non-appearance in the Court despite the Order dated 11.06.2024 have been stated in paragraphs 2, 3 and 4 of the affidavit accompanying the application I.A. 1/2024.

3.1 If the Principal Secretary was not available, somebody or the in-charge of the Transport Department should have appeared with the record of the proceedings. Instead of bringing the record to the Court, today again Sri Santhosh Kumar P, learned Special Government Pleader for the Transport Department has sought adjournment and time for filing the counter affidavit. This callous and casual

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approach of the State Government does not augur well in the dispensation of justice and would only show disrespect to the High Court, the highest Court in the State. This Court deprecates in the strongest manner the conduct of the State Government in taking the Court proceedings too casually and callously.

4. Considering the reasons given in the affidavit filed in support of I.A. No.1/2024, the personal presence of Dr K Vasuki IAS today is exempted. However, on the next date of listing, the Officer-in-charge of the Transport Department, in the absence of the Principal Secretary, shall remain present before this Court with the record of the proceedings regarding the nationalization of the route Ernakulam-Muvattupuzha under Section 102 of the Motor Vehicle Act 1988. If, on the next posting, the record is not produced by the Officer-in-charge, this Court will be constrained to pass necessary orders

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for drawing contempt proceedings against the said Officer. It is further provided that if before the next date of listing, the counter affidavit is not filed, the same shall be accepted with cost of Rs.50,000/-, to be recovered from the Officer responsible for not filing the counter affidavit.

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Post these matters on 04.07.2024.



Sd/-
DINESH KUMAR SINGH
JUDGE

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