

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WA.No. 2112 of 2015 IN WP(C).23742/2015

AGAINST THE JUDGMENT IN WP(C) 23742/2015 of
HIGH COURT OF KERALA DATED 06-08-2015

APPELLANT(S)/R2 IN WPC:

BIJOY
S/O.GOPALAN, VALIYKOZHICKATTIL HOUSE
KOLAKATTUCHALI P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S)/PETITIONER AND R1 IN THE WPC:

1. A.K.FAIZAL
S/O.HASSAN, CHAMAYIL HOUSE, P.O.CHELAMBRA
MALAPPURAM DISTRICT.
2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM, PIN-676505.

BY Sr.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY SRI.SAJU J.VALLYARA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ami/

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.A.No.2112 of 2015

Dated this the 21st day of November, 2015.

J U D G M E N T

ASHOK BHUSHAN, C.J.

This writ appeal has been filed challenging the judgment dated 6.8.2015 in W.P.(C)No.23742 of 2015, which was filed by the 1st respondent. The appellant was arrayed as 2nd respondent in the writ petition, but the writ petition was disposed of without issuing notice to the appellant. The writ petition was filed seeking a direction to the Regional Transport Authority to consider and dispose of Ext.P2 objection submitted by the writ petitioner against the timings of 2nd respondent's service. The appellant's case in this writ appeal is that, the writ petitioner has already filed a revision on 10.7.2015 and without disclosing the filing of revision, he has filed the writ petition which was disposed of for consideration of his objection, which objection was filed on the very next date of settlement of timings. After having heard the learned counsel for the parties, we are of the view

that, the appellant has made out a substantial ground for setting aside the judgment of the learned Single Judge. When the writ petitioner has availed statutory remedy of filing a revision, there was no ground to entertain a writ petition, seeking direction for deciding his objection which was filed against the settlement of timings. More so, the said fact was not brought on the record of the writ petition.

In the result, we set aside the judgment dated 6.8.2015 of the learned Single Judge and dismiss the writ petition. This order, however, will not preclude the writ petitioner to pursue his revision in accordance with law.

Hence the writ appeal is allowed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge