

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WA.No. 2533 of 2015 () IN WP(C).23936/2015

AGAINST THE JUDGMENT IN WP(C) 23936/2015 DATED 13.8.2015

APPELLANT(S)/3RD PARTIES :-

1. JAICO JOSE, AGED 35,
S/O.N.D.JOSE, NEDUVELIKUDY HOUSE, KUTTIKAD P.O.,
THRISSUR, PIN - 680 724.
2. VINOD C.N., AGED 35 YEARS
S/O.NARAYANAN, CHAZHIKULAM HOUSE,
MATTATHOORKUNNU P.O., KODAKARA, PIN - 680 684.

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S)/PETITIONER AND RESPONDENT IN THE WP(C) :-

1. K.O. JOHNY
S/O OUSEPH, KULANGARA HOUSE, ANNALLUR P.O.,
CHALAKUDY, THRISSUR, PIN - 680 307.
2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, THRISSUR - 680 001.

R2 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

R1 BY SRI.M.JITHESH MENON

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

W.A. No.2533 of 2015

Dated this the 26th day of November 2015

J U D G M E N T

Shaffique, J.

This writ appeal has been filed by 3rd parties, after seeking leave of this Court, against the judgment dated 13.8.2015 in W.P. (C) No.23936 of 2015 filed by the first respondent herein, in which, a direction was sought for to implement Ext.P5 order passed by the Regional Transport Officer by issuing regular permit to the petitioner in the vacant timings of stage carriage bearing registration No.KL/8Z 2428, in respect of stage carriage bearing registration No.KL-13/H.2050, as early as possible. According to the petitioner, he had applied for a regular permit to operate on the route Chalakudy - Annamanada - Koratty in the vacant timings of stage carriage bearing registration No.KL/8Z 2428.

2. The learned Single Judge, after considering the matter, disposed of the writ petition, directing the Secretary of the Regional Transport Authority to issue provisional set of timings to the petitioner/first respondent's stage carriage within a period of one week, taking into account the forthcoming Onam season. It is

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also made clear that said issuance of provisional set of timings shall be subject to the objections, if any by the affected parties. Further, it is indicated that the Regional Transport Officer shall settle the timings on the regular permit, after hearing the petitioner and the affected parties.

3. The main contention urged by the appellants is that the first appellant is an existing operator on the very same route by stage carriage Nos.KL-55/E.4432 and KL-40/5499. The second appellant is an operator on the route Adichily - Chalakudy - Mala by stage carriage KL-7/BB.2315. Being existing operators, they are aggrieved by the directions issued by the learned Single Judge and if a permit is issued to the first respondent with the proposed timings, it would result in severe time clash between the existing services.

4. It is now brought to the notice of this Court by the learned counsel appearing for the first respondent/petitioner that the Timing Conference has been fixed on 1.12.2015.

5. Under such circumstances, we are of the view that ends of justice will be served by issuing a direction to the 2nd respondent to settle the timings in the Timing Conference, which is proposed to be held on 1.12.2015 itself, after hearing all the

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affected parties including the appellants and the first respondent.

This writ appeal is disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt/26.11.2015.