

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 324 of 2014 (M)

PETITIONER

**REEJA P
W/O.UNNIKRISHNAN, MELEKARAPARAMBATH
CHATHAMANGALAM P.O., NIT VIA, KOZHIKODE.**

**BY ADVS.SMT.SUMATHI DANDAPANI (SR.)
SRI.MILLU DANDAPANI
SRI.PREMCHAND R.NAIR**

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY
KOZHIKODE-673020, REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, KOZHIKODE-673020.**
- 3. SHRI.T.P.SIDDIQUE
S/O.IMBICHIKOYA, MANNARTHODI HOUSE, POOVATTUPARAMBA
KOZHIKODE-673008.[DELETED AND SUBSTITUTED BY NEW R3)**

*** SUBSTITUTED R3**

**R3 SHABEER ALI M.V.
S/O.ABOOBACKER, MELE DAMAVIL, POKKUNNU (VIA)
GURUVAYURAPPAN COLLEGE PO
KOZHIKODE DISTRICT - 673 014.**

(SUBSTITUTED AS PER ORDER DATED 17.11.2014 IN IA 15484/14.)

**R3 BY ADV. SRL.KV.GOPINATHAN NAIR
R BY GOVERNMENT PLEADER SRI. R. RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 324 of 2014 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 :** **TRUE COPY OF THE TIME SCHEDULE GIVEN TO VEHICLE NO.KRD 7209.**
- EXHIBIT P2 :** **TRUE COPY OF THE ROUGH SKETCH OF THE ROUTE.**
- EXHIBIT P3 :** **TRUE COPY OF THE TIME THAT HAS BEEN INITIALLY OPERATED BY R3.**
- EXHIBIT P4 :** **TRUE COPY OF THE ORDER NO.C1/3002/10 D DT. 2-11-2010 OF THE SECRETARY, RTA, KOZHIKODE.**
- EXHIBIT P5 :** **TRUE COPY OF THE REVISION PETITION, MVARP NO.163/2011, DT.4-5-2011, FILED BY THE PETITIONER BEFORE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM.**
- EXHIBIT P6 :** **TRUE COPY OF THE COMMON ORDER DT.5-8-2013 RENDERED BY THE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM IN REVISION PETITION, MVARP NO.163 OF 2011 AND CONNECTED CASES.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

K. VINOD CHANDRAN, J.

.....
W.P.C. No.324 of 2014
.....

Dated this the 17th day of March, 2015.

J U D G M E N T

The petitioner is aggrieved with the variation granted to the third respondent and has objections with respect to the timings in the varied route. The petitioner along with some other operators were before the Tribunal by Ext.P6. The challenge against the variation was negatived. However, with respect to the settlement of timing, the Tribunal directed that the Regional Transport Authority can be approached, raising objections, if any.

2. The learned Counsel for the petitioner submits that it is not the RTA who has to consider the same, and it is the Secretary, RTA. It is also contended that the Tribunal has not gone through the specific contention of objectionable overlapping made by the petitioner.

3. The learned Counsel appearing for the third

respondent submits that the timings have not yet been settled and the same is pending consideration before the Secretary, RTA. If any objections are raised before the Secretary, RTA, necessarily they have to be considered in a properly convened timing conference. That is what the Tribunal has also directed. If at all modification is required in the Tribunal, it is only to the effect that the Secretary, RTA shall consider the objections of the petitioner herein also, while settling the timings in the varied route of the third respondent. With respect to the variation, this Court does not find any reason to interfere with the order of the Tribunal. There is no challenge against the variation itself.

In the result, the writ petition is disposed of with the aforesaid modification. No costs.

K. VINOD CHANDRAN.
JUDGE

smm

