

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 135 of 2015 (N)

PETITIONER(S):

1. N.ABDUL KHADER, AGED 58,
S/O.ABDULLA, POTTAMMAL HOSE, NEERAD P.O.,
MUTHUVALLUR, KONDOTTY, MALAPPURAM DISTRICT-673 638.
2. P.SAIDALAVI, AGED 60,
S/O.ALAVIKUTTY, PALLIYALI HOUSE, P.O.MELMURI,
MALAPPURAM DISTRICT-676 517.
3. MUJEEB,
S/O.MOHAMMED, THALAPPATHOOR HOUSE,
KANNAMANGALAM WEST P.O., MALAPPURAM DISTRICT,
REPRESENTED BY HIS P/A. HOLDER R.RASHEED,
S/O.MOHAMMED, PICHAN, PUZHAMUDI P.O.,
WAYANAD-673 121.

**BY ADVS.SRI.M.JITHESH MENON
SMT.K.INDU (POURNAMI)**

RESPONDENT(S):

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM-676 505.
2. ABBAS,
S/O.MOHAMMED KUTTY, PUTTUKKATT KUNDATT HOUSE,
PERUVALLUR, KONDOTTY
MALAPPURAM DISTRICT-673 638.

R1 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 135 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1.TRUE COPY OF THE TIMINGS DATED 11/2/2005.

EXT.P2.TRUE COPY OF THE TIMINGS DATED 17/12/2002.

EXT.P3.TRUE COPY OF THE TIMINGS DATED 16/5/2011.

EXT.P4.TRUE COPY OF THE JUDGMENT IN WPC NO.32436/2014 DATED 3/12/2014.

EXT.P5.TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 15/12/2014.

EXT.P6.TRUE COPY OF THE OBJECTION OF THE 1ST PETITIONER DATED 27/12/2014.

EXT.P7.TRUE COPY OF THE OBJECTION OF THE 2ND PETITIONER DATED 27/12/2014.

EXT.P8.TRUE COPY OF THE OBJECTION OF THE 3RD PETITIONER DATED 27/12/2014.

EXT.P9. ACKNOWLEDGEMENT RECEIPT DATED 27/12/2014 (2 IN NUMER).

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.VINOD CHANDRAN, J

W.P.(C).No. 135 of 2015

Dated 6th January, 2015

JUDGMENT

The petitioners are aggrieved with the temporary permit granted to the 2nd respondent herein. The facts which led to the above controversy are that, the 2nd respondent filed an application for regular permit and also sought for a temporary permit. This Court by Ext.P4 judgment, directed issuance of a temporary permit of four months' duration within a period of one week from the date of production of a copy of the judgment and the same was issued on 03.12.2014. The petitioners herein contend that, in compliance of the judgment, the Secretary, RTA issued Ext.P5 proceedings which, according to the petitioners, clash with their timings. The petitioners are admittedly rival operators in the said route.

2. The learned Government Pleader would submit that, since there was a positive direction to issue the temporary permit within a period of one week, the Secretary, RTA could not make enquiries and issue notice to the rival operators. In such circumstances, the Secretary, RTA shall publish a notice in the notice Board notifying the settlement of timings on a date within a period of three weeks from today and the petitioners and any other rival operators interested shall be heard and timings settled, in accordance with law.

Writ petition disposed of.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//