

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2173 of 2015 (V)

PETITIONER:

**IBRAHIM, PATTIPARA HOUSE,
PERASANUR.P.O., KUTTIPPURAM.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S):

- 1.THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD - 678 001.**
- 2. NISHA PURUSHOTHAMAN,
W/O.PURUSHOTHAMAN, KOOLIYATT HOUSE,
THAMARAYOOR.P.O., GURUVAYUR - 680 101.**

R2 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 2173 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE PERMIT PROCEEDINGS DATED 17.2.2005.

**EXHIBIT P2 : TRUE COPY OF THE JUDGMENT IN WP(C)NO.21527/2013
DATED 30.8.2013.**

EXHIBIT P3 : TRUE COPY OF THE PROCEEDINGS DATED 21.2.2014.

EXHIBIT P4 : TRUE COPY OF THE OBJECTION DATED 30.12.2014.

**EXHIBIT P5 : TRUE COPY OF THE RELEVANT PAGES OF CIRCULAR
DATED 8.11.2011.**

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

K.VINOD CHANDRAN, J

W.P.(C) No.2173 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner is aggrieved with the re-scheduling of timings, which the petitioner apprehends in the Timing Conference scheduled to be held on 23.01.2015 which is said to have been adjourned from 08.01.2015, an objection to which has been filed as per Ext.P4. The brief facts to be noticed are that the petitioner's timing was originally settled by Ext.P1. The petitioner had approached this Court for revision which was granted by Ext.P2. The petitioner submits that no revision has been effected pursuant to Ext.P2. However, the petitioner's timings were settled as per circular No.D3/875/STA/2005 dated 8.11.2011, by Ext.P3 issued on 21.02.2014.

2. The petitioner contends that till date the same has not been implemented and the petitioner has been continuing in the earlier timings. However, now in the guise of settlement to the second respondent's timing, the petitioner's timing is sought to be altered is the

contention raised herein.

3. With respect to Ext.P3, if the same has been implemented, the petitioner having not challenged the same till date cannot seek falling back on the earlier timings. However, if Ext.P3 has not been implemented, then definitely, the petitioner would operate on the timings earlier settled since the D3 implementation could be effected only on the date notified by the State Transport Authority.

In the nature of the contentions raised herein above and the objections filed at Ext.P5, the only direction that would be necessary is to consider Ext.P4 objection, if the same has been received, before the second respondent's timings are settled. In any event the petitioner's timing cannot be altered on the basis only of revision of another.

The writ petition is disposed of as above.

Sd/-
K.VINOD CHANDRAN, J
JUDGE

smv