

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

W.P.(C).No.3866 of 2015 (G)

PETITIONER(S):-

P.V.MATHEW, AGED 60 YEARS,
PULIKEYIL HOUSE, CHOTTUPARA PO, THRISSUR.

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENT(S):-

1 THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, THRISSUR,
PIN-680 001.

* ADDL.R2. MOHANKUMAR.C.G., AGED 46, S/O.GOPALAN,
CHEMMANKATTU VALAPPIL, AMALA NAGAR,
THRISSUR DISTRICT.

* ADDITIONAL 2ND RESPONDENT IS IMPEADED AS PER ORDER
ON I.A.NO.2013 OF 2015 DATED 11.02.105.

R1 BY GOVERNMENT PLEADER SRI.R.RANJITH.
ADDL.R2 BY ADV.SRI.M.JITHESH MENON.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.3866 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 22.1.2015.

RESPONDENT(S)' EXHIBITS/ANNEXURES:-

ANNEXURE A TRUE COPY OF THE REQUEST SUBMITTED BY THE
PETITIONER DATED 24.11.2014.

ANNEXURE B TRUE COPY OF THE JUDGMENT IN WP(C) NO.2238/15
DATED 22.01.2015.

vku/-

(true copy)

K. Vinod Chandran, J.

W.P(C) No.3866 of 2015-G

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of allotment of a timing sought for by Exhibit P1. The timing is said to be one which is vacant, since the said timing of the vehicle bearing registration No.KL-08/AJ 2244 had been settled with a fresh set of timings.

2. The additional 2nd respondent claims that he had in fact filed an application much earlier, on 24.11.2014, and had approached this Court for consideration of the same, which was allowed by Annexure-B judgment.

3. The learned counsel appearing for the petitioner, however, would oppose the said submission, on the ground that the vacant timing which is sought for by the petitioner and the additional 2nd respondent in fact fell vacant only on 13.01.2015, when the vehicle KL-08/AJ 2244 was granted a revision of timings. Hence, there could not have been an earlier request/application, is the contention.

4. It is evident that the operator of KL-08/AJ 2244 had applied for a revision of timings and anticipating revision, the additional 2nd respondent had made an application for allotment of such timings. In any case, when the additional 2nd respondent approached this Court, Annexure-B was issued, admittedly there was a vacant timing as sought for by both the petitioner and the additional 2nd respondent. When the request of the additional 2nd respondent having been directed to be considered, it is not proper for this Court to direct consideration of the request of the petitioner herein.

The writ petition would stand dismissed only on the fact that the additional 2nd respondent had approached this Court earlier.

Sd/-
K. Vinod Chandran,
Judge

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(true copy)