

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No.4399 of 2015 (Y)

PETITIONER:

**P.K.MOOSA,S/O.KOMU HAJI,PARUTHIKUNNAN HOUSE,
KLARI THOTTUNGAL,P.O.EDARIKKODE,MALAPPURAM DISTRICT.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

**THE SECRETARY,REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM,PIN-676 505.**

BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.4399 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT P1:TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT
DATED 09-02-2000.**

**EXT P2:TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT
DATED 25-02-2014 ISSUED TO THE PETITIONER.**

**EXT P3:TRUE COPY OF THE POSTAL COVER SEND FROM THE OFFICE OF THE
RESPONDENT TO THE PETITIONER.**

**EXT P4:TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
WP(C).NO.30683/2014 DATED 19-11-2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K.VINOD CHANDRAN, J.
=====

W.P(C) No.4399 of 2015
=====

Dated this the 25th day of February, 2015

JUDGMENT

The petitioner was operating on timing settled as per Ext.P1 when the petitioner is said to have received a communication by post, settling his timing as per D3 Circular, which is evidenced by Ext.P2. The petitioner challenges the same on the ground that the petitioner was never issued with a notice and there was no proper timing conference convened and also that timing in accordance with D3, if at all settled, could be implemented only when the State Transport Authority notifies a date for uniform implementation.

2. For the short ground that Ext.P2 was issued without notice, the same has to be set aside. The petitioner will be allowed to operate as per Ext.P1. If at all the Secretary of

the RTA proposes to settle the timings as per D3 Circular, then, notice will have to be issued. Such proceedings can go on, but, however, again the implementation as per D3 Circular shall be only on the notified date as per D3 circular.

Writ petition disposed of.

Sd/-
K.VINOD CHANDRAN, JUDGE

vdv