

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 7287 of 2015 (I)

PETITIONER:

K.JAYACHANDRAN AGED 41 YEARS
S/O. JANAKI AMMA, KAIPPILLY HOUSE, AYYAPPANKAVU P.O.
KOZHUKULLY, THRISSUR.

BY ADV. SRL.M.JITHESH MENON

RESPONDENTS:

1. SECRETARY, REGIONAL TRANSPORT AUTHORITY, PALAKKAD
PIN - 678 001.
2. THE JOINT REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT AUTHORITY, PALAKKAD - 678 001
3. P.S. RAMADAS
S/O. SIVASANKARAN, PUTHENPURACKAL HOUSE
KERALASSERY P.O., PALAKKAD - 678 641.

R1-R2 BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR
R3 BY ADV. SRL.P.SANTHOSH KUMAR (TR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7287 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE ORDER WITH TIMINGS DATED 19/12/2011.

EXHIBIT-P2-TRUE COPY OF THE JUDGMENT IN MVARP 35/2012 DATED 01/02/2012.

EXHIBIT-P3-TRUE COPY OF THE JUDGMENT IN W.P(C) 27102/2012 DATED 10/03/2014.

EXHIBIT-P4-TRUE COPY OF THE ORDER OF THE RESPONDENT DATED 21/02/2014.

EXHIBIT-P5-TRUE COPY OF THE STOP MEMO ISSUED BY THE RESPONDENT DATED 03/04/2014.

EXHIBIT-P6-TRUE COPY OF THE JUDGMENT IN W.P(C) 10350/2014 DATED 08/04/2014.

EXHIBIT-P7-TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER PRODUCING THE CERTIFIED COPY OF THE JUDGMENT DATED 02/05/2014.

EXHIBIT-P8-TRUE COPY OF THE REQUEST DATED 02/05/2014 FILED BY THE PETITIONER.

EXHIBIT-P9-TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT NO. C10/228/2014 SIGNED ON 30/12/2014.

RESPONDENT(S)' EXHIBITS : NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No.7287 of 2015

Dated this the 09th day of April, 2015

J U D G M E N T

The only contention raised by the petitioner is that by Ext.P9 settlement of timings, which is the result of a series of litigations by the petitioner and rival operators was without notice to him. This Court directed the Government Pleader to produce the files. The learned Government Pleader contends that a public notice was issued but however, no individual notice was issued. The petitioner's contention is that the person whose timings are revised and the person at whose instance, such revision is made is to be mandatorily issued with notice as per 1991(2) KLT 229 Thomas Lucka v. Secretary, RTA.

2. The learned Government Pleader after perusal of the files submits that though no personal notice was issued, the specific written instruction of the authority is that the petitioner attends all timing conferences but however, refuses to put his

signature evidencing his presence. In such circumstance, the Secretary shall convene a timing conference within two months and the petitioner and the 3rd respondent shall appear before the authority on 23.04.2015 upon which both the persons shall be informed of the date on which the timing conference is scheduled. The notice shall be displayed in the notice Board and the timing conference shall be convened and timings settled on the said date. It is made clear that since the petitioner and the 3rd respondent are directed to appear before the authority for intimation of the date of convening of the timing conference no separate individual notices are to be issued. The petitioner will operate as per Ext.P9 till the timings are so settled.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge