

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9223 of 2015 (C)

PETITIONER :

**BIJU P.N.,
PALLATHU HOUSE, VAZAKKULAM,
MUVATTUPUZHA.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI-685 603.**
- 2. AJI RAJAN,
THALACHIRAPUTHENPURA, AVOLY P.O.,
MUVATTUPUZHA-686 670**

R1 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 9223 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PROCEEDINGS DATED 25.11.2014.**
- EXT.P2: TRUE COPY OF THE NOTICE DATED 17.3.2015.**
- EXT.P3; TRUE COPY OF THE JUDGMENT IN WP(C)NO.11820/2013 DATED
24.10.2014.**
- EXT.P4: TRUE COPY OF THE WRIT PETITION IN WP(C)NO.4604/2015 WITH
EXHIBITS.**
- EXT.P5: TRUE COPY OF THE INTERIM ORDER IN WP(C)NO.4604/2015 DATED
16.2.2015.**
- EXT.P6: TRUE COPY OF THE OBJECTION DATED 18.3.2015.**
- EXT.P7: TRUE COPY OF THE NOTICE DATED 11.3.2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 9223 of 2015

Dated this the 07th day of April, 2015

J U D G M E N T

The petitioner is aggrieved with the revision attempted to his timings settled as per Ext.P1. Admittedly, the petitioner's timings were settled as per Ext.P1 dated 25.11.2014. Purportedly, on the ground of objection being filed by other operators, a revision was attempted at Ext.P2. Ext.P2 having not been finalised, again a revision is attempted as per Ext.P7 on the specific complaint of the 2nd respondent. Though this Court had issued notice to 2nd respondent, none appears. It is trite that a timing settled cannot be revised on a mere objection filed by a rival operator that too, after a valid settlement effected in a properly scheduled timing conference. If at all, a rival operator is aggrieved by such settlement of timings, then, the remedy is before the Tribunal as provided under the Motor Vehicles Act and Rules. In such circumstance, no settlement can be attempted as per Ext.P7. It is so declared and the petitioner will be permitted to operate as per Ext.P1 and the 2nd

respondent's contentions if at all he approaches the Tribunal would be left open.

Writ petition is allowed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge