

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 10402 of 2015 (A)

PETITIONER:

**SUNEERA ASHRAF, PARATHODI HOUSE,
ANAKKAYAM.P.O., MALAPPURAM.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT:

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

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 10402 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT
DATED 5.5.2011.**

**EXHIBIT P2 : TRUE COPY OF THE PROCEEDINGS OF THE RESPONDENT
DATED 21.3.2015 ISSUED TO THE PETITIONER.**

**EXHIBIT P3 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
W.P.(C)NO.4399/2015 DATED 25.2.2015.**

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.
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W.P.(C) No.10402 of 2015 - A
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Dated this the 6th day of April, 2015

J U D G M E N T

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 Order No. D3/875/STA/2005 (D3 Circular) dated 08.11.2011, 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 Appellate Tribunal 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, 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.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //

P.A to Judge