

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 13269 of 2015 (G)

PETITIONER(S):

1. MUHAMMED KUTTY, S/O ALIPPU,
CHIRAKKAL HOSUE, KUNNAPPALLY P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
2. HAMZA, S/O UNNEEN, 08/22, THOTTASSERI HOUSE,
CHERUKARA VIA, ERAVIMANGALAM P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
3. UNNIKRISHNAN, S/O MUNDI, AMBALAPATTA HOUSE,
HOSPITAL ROAD, PERINTHALMANNA P.O.,
MALAPPURAM DISTRICT.
4. VINOD KUMAR, S/O RAMACHANDRAN,
KARUVANTHODI HOUSE, ERAVIMANGALAM P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
5. MUHAMMED ALI, S/O MUHAMMED,
KARIMPANAKKAL HOSUE, KUNNAPPALLY P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT .

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

1. THE JOINT REGIONAL TRANSPORT OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN:679322.
2. REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM,
REPRESENTED BY ITS SECRETARY, PIN:679322.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1:** TRUE COPY OF THE PROCEEDINGS OF THE RTA, MALAPPURAM BY CIRCULATION UNDER RULE 130 OF THE KMV RULES VIDE PROCEEDINGS NO.G1/5091/2014 DATED 20.6.2014.
- EXHIBIT P2:** TRUE COPY OF THE ENDORSEMENT MADE RELATING TO THE 1ST PETITIONER'S PERMIT BY THE 1ST RESPONDENT CHANGING THE HALTING PLACE FROM ANGADIPPURAM TO PERINTHALMANNA THARAYIL BUS STAND.
- EXHIBIT P3:** TRUE COPY OF THE ENDORSEMENT MADE RELATING TO THE 2ND PETITIONER'S PERMIT BY THE 1ST RESPONDENT CHANGING THE HALTING PLACE FROM ANGADIPPURAM TO PERINTHALMANNA THARAYIL BUS STAND.
- EXHIBIT P4:** TRUE COPY OF THE ENDORSEMENT MADE RELATING TO THE 3RD PETITIONER'S PERMIT BY THE 1ST RESPONDENT CHANGING THE HALTING PLACE FROM ANGADIPPURAM TO PERINTHALMANNA THARAYIL BUS STAND.
- EXHIBIT P5:** TRUE COPY OF THE ENDORSEMENT MADE RELATING TO THE 4TH PETITIONER'S PERMIT BY THE 1ST RESPONDENT CHANGING THE HALTING PLACE FROM ANGADIPPURAM TO PERINTHALMANNA THARAYIL BUS STAND.
- EXHIBIT P6:** TRUE COPY OF THE ENDORSEMENT MADE RELATING TO THE 5TH PETITIONER'S PERMIT BY THE 1ST RESPONDENT CHANGING THE HALTING PLACE FROM ANGADIPPURAM TO PERINTHALMANNA THARAYIL BUS STAND.
- EXHIBIT P7:** TRUE PHOTOGRAPHS OF THE THARAYIL BUS STAND PERINTHALMANNA.
- EXHIBIT P8:** TRUE COPY OF THE REPRESENTATION DATED 28.7.2015 FILED BY THE PETITIONERS BEFORE THE RESPONDENTS THROUGH THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS & ANNEXURES:

- ANNEXURE I :** TRUE COPY OF THE DECISION NUMBER 68 DATED 21.10.2004 OF 2ND RESPONDENT.
- ANNEXURE ii:** TRUE COPY OF THE REPORT OF JOINT INSPECTION TEAM.

//TRUE COPY//

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13269 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

Seeking modification of the halting place mentioned in Ext.P2 to P6 permits issued by the 1st respondents, the petitioners have come up before this Court.

2. The petitioners are the owners of three wheeler passenger autorikshaws with valid permits issued by the authorities to operate on all fit roads in Malappuram. They have made separate applications before the 1st respondent for changing the halting place from Angadippuram to Perinthalmanna Municipal limits. When the consideration of the applications for variation of permits were delayed, the petitioners have approached this Court for appropriate reliefs. Pursuant to the directions of this Court, the RTA has allowed the respective applications of the petitioners for variation of permit conditions vide Exts.P2 to P6 proceedings,

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whereby endorsements have been made in the respective permits changing the halting place from Angadippuram to Tharayil Bus Stand in Perinthalmanna Town, which is an abandoned place as the present bus stand in Perinthalmanna Town functioning elsewhere. According to the petitioners, Ext.P7 photograph would reveal the present stage of Tharayil Bus Stand, where no buses are coming at present. Hence, this writ petition is filed for appropriate reliefs.

3. Heard the learned counsel for the petitioners and the learned senior Government Pleader.

4. The learned senior Government Pleader filed a statement, wherein it is averred that the petitioners' applications have already been heard and disposed of. It was also pointed out that this Court, in WP(C) No.12993/2015, disposed of similar cases as per judgment dated 26.06.2015. However, the learned counsel for the petitioners submitted that they were not afforded an opportunity of being heard.

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In the light of the above, this Court is of the view that the matter requires a re-look by the respondents. Therefore, the writ petition is disposed of directing the respondents to reconsider Ext.P8 representation de hors the earlier decision after affording the petitioners an opportunity of being heard and also taking into account the decision of this Court in WP(C) No.12993/2015, within a period of two weeks.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-