

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 14127 of 2015 (M)

PETITIONER:

**PROUSHAD, S/O.YOUSEF,
H.NO.4/94(2/259), PUTHANPURA HOUSE,
BRAHMAPURAM, KARIMUGAL.P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

- 1. THE SECRETARY,
THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM - 682 030.**
- 2. NOUSHAD.N.Y, S/O.YOUSEF, AKBAR MANZIL,
KULAYATTIKKARA.P.O., ARAYENKAVU,
ERNAKULAM - 682 315.**

**R1 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA
R2 BY ADV. SRI.K.V.GOPINATHAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1 : TRUE COPY OF THE TIMINGS IN RESPECT OF THE VEHICLE
NO.KL-07/AG-8218 ISSUED BY THE SECRETARY, RTA, MUVATTUPUZHA
VIDE ORDER NO.17/55151/2010/EM DATED 28.2.2011.
- EXT. P2 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT DATED 6.5.2015.

RESPONDENT'S EXHIBITS:

- EXT.R2(A) : TRUE COPY OF THE TIMING ISSUED TO THE 2ND RESPONDENT'S
SERVICE ON 7.5.2013.
- EXT.R2(B) : TRUE COPY OF THE APPLICATION SUBMITTED BY THE
2ND RESPONDENT BEFORE THE 1ST RESPONDENT DATED 22.9.2014.
- EXT.R2(C) : TRUE COPY OF NOTICE REGARDING TIMING CONFERENCE IN
RESPECT OF FOUR STAGE CARRIAGES COMMENCING FROM
28.4.2015.
- EXT.R2(D) : TRUE COPY OF PROCEEDINGS OF THE 1ST RESPONDENT
DATED 5.5.2015.

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.14127 of 2015

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Dated this the 25th day of May, 2015

JUDGMENT

Aggrieved by the non-consideration of Ext.P2 representation by the first respondent, the petitioner has come up before this Court.

2. The petitioner alleges that he as well as the second respondent are operating on routes substantially overlapping each other and without hearing the petitioner, a revision of timing was effected as far as the timings of the second respondent are concerned. According to the petitioner, there was no notice regarding the timing conference.

3. The learned counsel for the second respondent, inviting my attention to Ext.R2(d), submitted that the said proceedings was issued by the first respondent after hearing 22 operators and, therefore, the consideration of Ext.P2 shall be unsettling the issue covered by Ext.R2(d) as far as the other persons are concerned.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P2 after affording the petitioner and the second respondent an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

It is hereby made clear that the decision in Ext.R2(d) so far as it relates to the other operators shall stand undisturbed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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