

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 14675 of 2015 (H)

PETITIONER:

**JOBY MATHEW, S/O.MATHEW,
PARAKULANGARA HOUSE,
KUDAYATHOOR P.O, THODUPUZHA.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S):

- 1. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM-682011.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
IDUKKI-685 603.**
- 3. MARIA JOBY, JOBY SADANAM HOUSE,
KONNI P.O-689 691.**
- 4. JOBY M.JOHN, MUNDACKAL HOUSE,
EZHUMUTTOM P.O, THODUPUZHA-685 605.**

**R1 & R2 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA
R3 BY ADV. SRI.K.V.GOPINATHAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 14675 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHBITI P-1 : TRUE COPY OF THE PERMIT OF THE PETITIONER.

EXHBITI P-2 : TRUE COPY OF THE PROCEEDINGS DATED 23-06-2014.

EXHBIIT P-3 : TRUE REVISION PETITION IN MVARP 115/2014 DATED 18-07-14.

EXHBITI P-4 : TRUE COPY OF THE ORDER DATED 18-04-15 IN MVARP 115/14.

**EXHBITI P-5 : TRUE COPY OF THE JUDGMENT IN W.A NO.2877/2009
DATED 18-12-2009.**

EXHBITI P-6 : TRUE COPY OF THE ORDER IN WP(C) NO 3773/2010 DATED 8-2-2010.

EXHBITI P-7 : TRUE COPY OF THE RORDER IN WP(C) NO 13742/2015 DATED 8-5-2015.

**EXHBITI P-8 : TRUE COPY OF THE ORDER IN WP(C) NO 14315/2015
DATED 12-05-2015.**

EXHBITI P-9 : TRUE COPY OF THE TIMING NOTICE DATED 14-5-2015.

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.14675 of 2015

Dated this the 1st day of June, 2015.

JUDGMENT

The petitioner has come up before this Court alleging that the Regional Transport Authority, Idukki has issued a notice for timing conference pursuant to the orders of the State Transport Appellate Tribunal in M.V.A.A.No.115 of 2014 to convene a timing conference on 22.5.2015.

2. The petitioner is the registered owner of stage carriage bearing registration No.KL 38 E 1782 operating on the route Moolamattom - Thodupuzha valid till 16.5.2016 with a settled set of timings. The petitioner submits that the third respondent is comparatively a new entrant who applied for a regular permit on the route Vannappuram-Erattupetta. The regular permit was granted subject to settlement of timings. The petitioner submits that he himself was an objector before the Regional Transport Authority, Idukki against the timings and that was the reason the regular permit was granted

subject to settlement of timings. Based on this, the timings of the third respondent's service was settled on 20.6.2014. The petitioner submits that he as well as others were party to the proceedings. The proceedings dated 20.6.2014 was issued to all concerned. However, a statutory revision petition was filed before the first respondent on 19.7.2014 which is according to the petitioner is in collusion with the 4th respondent. It is alleged that none of the existing operator or objectors before the respondents were not made parties before allowing the revision petition. The petitioner submits that based on this the second respondent, in collusion with the third and fourth respondents, is attempting to revise the timings of the third respondent. In Ext.P4 order of the learned Tribunal, there was a direction to give opportunity to the third respondent alone and hence the second respondent has not considered any of the objections raised by this petitioner. The order of the tribunal is prima facie bad mainly for one reason that the persons who were party to the proceedings when the timings

were initially settled were not made parties to the revision petitioner, it is alleged. It is further alleged that the learned Tribunal did not safeguard the right of the existing operators and allowed the third respondent to steel a march on other existing operators. The question as to whether existing opeartors should made parties to the proceedings is covered by Division Bench in W.A.No.2877 of 2009 and in identically placed circumstances, this Court was pleased to stay of issuance of timings; it is alleged.

3. I have heard the learned counsel for the petitioner, the learned counsel for the respondents 3 and 4 and the learned Government Pleader.

4. It is submitted that convening of the meeting was adjourned on the basis of an interim order passed by this Court. The third respondent filed a counter affidavit along with Ext.R3(a), which is a copy of the order dated 3.10.2002 of the Secretary, Regional Transport Authority, Idukki issued to the 4th respondent that the timings have been reversed as per

Ext.P2. Accordingly, the party respondent approached the Tribunal, which passed Ext.P4.

Therefore, in the light of Ext.P4, this petition is disposed of permitting the petitioner also to participate in the timing conference, so that he can project his objection before it. Whatever objections raised by the petitioner as well the party respondents shall be considered in the conference. As the writ petition is disposed of, the timing conference shall be convened at the earliest, under intimation to all, at any rate within a period of two weeks.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.