

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 15939 of 2015 (N)

PETITIONER(S):

**M. CHANDRAN, AGED 65 YEARS,
S/O. MANICKAN, KADAMPIDI HOUSE,
CHITTALAMCHERRY P.O., PALAKKAD DISTRICT.**

BY ADV. SRI.C.P.RAVIKUMAR.

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD- 678 001, REPRESENTED BY ITS SECRETARY.**
- 2. THE REGIONAL TRANSPORT OFFICER,
PALAKKAD-678 001.**
- 3. P. RAJENDRAN, S/O. PAZHANIYAPPAN,
AGED ABOUT 50 YEARS, OLAPPURAKKAL HOUSE,
ALATHUR-678 541.**

R1 & R2 BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: TRUE COPY OF THE STAGE CARRIAGE PERMIT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**
- EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 1ST RESPONDENT FIXING THE TIMING OF THE PETITIONER'S STAGE CARRIAGE.**
- EXHIBIT P3: TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 1ST RESPONDENT.**
- EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 05.12.2014 SUBMITTED BY ONE C.B. VIJAYA TO THE 1ST RESPONDENT SEEKING TO RESCHEDULE THE TIMINGS ALLOTTED TO THE 3RD RESPONDENT.**
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 28.11.2014 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT SEEKING TO RESCHEDULE THE TIMINGS ALLOTTED TO THE 3RD RESPONDENT.**
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT DATED 19.12.2014 PASSED BY THIS HON'BLE COURT IN WP(C).NO.33672/2014.**
- EXHIBIT P7: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.15939 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

The petitioner is the registered owner of a stage carriage bus with Reg. No.KER 300 plying in the route between Ollapara and Thodukad via Kairady, Karakkattuparambu, Nenmara, Kavassery and Thonippada as evidenced by Ext.P1 permit and Ext.P2 schedule issued by the first respondent. While the petitioner is operating the bus as per Ext.P2 timings, the third respondent approached this Court with W.P(C) No.29909 of 2014 wherein this Court by judgment dated 12.11.2014 directed the first respondent to issue a temporary permit. Accordingly, the first respondent issued Ext.P3 temporary permit with provisional timings and thereafter renewed the same without hearing the aggrieved parties, including the petitioner; it is alleged.

2. As per Ext.P3, the third respondent has allotted the departure time for his stage carriage which is the same departure time of the petitioner's stage carriage. Therefore, there is overlapping with the timings allotted to the petitioner and operation

of the stage carriage has become very difficult. The provisional timings granted by the first respondent is without hearing the petitioner and, therefore, the petitioner submitted Exts.P4 and P5 representation seeking to reschedule the timings allotted to the aforesaid temporary permit holder in the route. The grievance of the petitioner is that while considering Exts.P4 and P5 and without convening any timing conference, the first respondent has passed orders.

3. The petitioner alleges that in view of the time clash between the timings allotted to him and the third respondent, he raised objection. However, the first respondent dissolved the conference on 22.5.2015 without taking a firm decision. Hence, the petitioner submitted Ext.P7 request before the second respondent requesting to change the timing. However, respondents 1 and 2 are adamant to convene a conference and to fix the timings of both stage carriages avoiding time clash. The petitioner further alleges that because of the time clash, unhealthy competition in the trips of both the stage carriages takes place causing unwarranted consequences.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

5. When the matter came up for hearing, the learned counsel for the petitioner has confined his argument to the limited prayer for a direction to the respondents to consider Ext.P7 request within a time frame.

Considering the nature of the relief prayed for and the submissions made, the writ petition is disposed of directing the respondents to consider and pass orders on Ext.P7 request, after affording the petitioner and the third respondent an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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