

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 16261 of 2015 (G)

PETITIONER:

**M.K.SURESH BABU, MATTATHIL HOUSE,
MANGANAM P.O., KOTTAYAM.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 001.**
- 2. SRI.RAJESH KURIAN,
CHAKALATHAKIDIYEL HOUSE,
KONGANDUR P.O., KOTTAYAM - 685 564.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 16261 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
DATED 05.06.2014.**

**EXHIBIT P2. A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
DATED 23.12.2014.**

EXHIBIT P3. A TRUE COPY OF THE REPRESENTATION DATED 05.03.2015.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.16261 of 2015

Dated this the 2nd day of June, 2015.

JUDGMENT

Aggrieved by the delay in considering Ext.P3 representation submitted by the petitioner, the petitioner has approached this Court.

2. The petitioner is operating the service between Kangaha Hospital and Kottayam on the strength of time schedule approved by the 1st respondent vide proceedings dated 5.6.2014. The petitioner alleges that in this context, one stage carriage bearing registration No.KL-3/J 7587 had been issued with a regular permit to operate between Ettumanoor and Kangazha Hospital several years ago. However, this service was later discontinued in the year 2013 as the permit holder surrendered the permit itself. In other words, when the petitioner's service was issued with Ext.P1 timings on 5.6.2014, the above mentioned stage carriage, viz, KL-03/J 7587 was not in operation. Consequently, certain time

slots allotted to the said defaulted service, were allotted to the petitioner's service on 5.6.2014. However, on 23.12.2014, the second respondent herein was issued with a temporary permit, valid for a period of four months to conduct service in the vacancy of KL-03/J 7587. This obviously led to a situation where the two services were operating with identical or near identical timings resulting in over-speeding and unhealthy competition. The petitioner further alleges that in the said circumstances, on 5.3.2015, he has submitted Ext.P3 representation before the 1st respondent herein requiring him to allot a different set of timings to the 2nd respondent's service taking note of Ext.P1 timings issued to the petitioner's service.

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

Considering the nature of the submissions and the nature of relief sought for, the writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P3 representation, after affording the petitioner and the

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.