

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 17013 of 2015 (B)

PETITIONER : -

GEETHA THILAKAM,
W/O.SREEKANTAN,
GEETHA BHAVAN,
KALLUVATHUKKAL P.O., KOLLAM.

BY ADV.SRI.G.HARIHARAN

RESPONDENTS:-

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM - 691 001.
2. NIJAMUDIN,
BLOCK NO.96, KOLLAYIL P.O.,
MADATHARA, KOTTARAKARA - 691 506.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17013 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE TEMPORARY PERMIT ISSUED TO THE 2ND
RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE OBJECTION DATED 10.05.2015 SUBMITTED BY
THE PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 17013 of 2015

Dated this the 08th day of June, 2015

JUDGMENT

The petitioner is seeking a positive direction to the first respondent to consider his objection in timings of the Stage carriage, which is being operated by the second respondent.

2. The petitioner is an existing operator on the route Madathara – Kadakkal – Nilamel – Pallickal – Parippally – Varkala – Vilabhagom and the permit is issued in respect of stage carriage No. KL 02 AM/3232. The above timing was allotted to the petitioner taking note of the time gap available on the sector. The second respondent applied for temporary permit on the route Erattil – Madathara, which was granted. A temporary permit for four months duration was issued to the second respondent after taking note of the time gap available on the sector. Now the second

respondent's service starts at 12.20 p.m from Madathara Pallickal just ahead of the petitioner's service. While the vehicle reaches Mullikkad, the time gap becomes reduced to 5 minutes, i.e. on the sector Mullikkad to Pallickal, the second respondent's service is conducting 5 minutes ahead of the petitioner's service; it is alleged. Ventilating his grievance, he has submitted Exhibit P2 objection before the first respondent, but no action has been take by the first respondent so far. The temporary permit sought by the second respondent is in the vacancy of a defaulted service since the original route bus was not operating for the last so many years. Taking note of the time gap available on the sector, the petitioner was issued with regular permit. The petitioner points out that the vacant timings suggested by the second respondent is not available and the issue of temporary permit with the original timing of the defaulted service would prejudicially affect the petitioner.

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

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first

respondent to consider and pass appropriate orders on Exhibit P2 objection within a time frame.

Considering the nature of the submission, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Exhibit P2 objection after affording the petitioner 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, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the first respondent at the earliest.

**A.V. RAMAKRISHNA PILLAI
JUDGE**

DMR/-