

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 18851 of 2015 (F)

PETITIONER(S):

**K.P. ANTONY, S/O.POULOSE,
KAKKASSERY HOUSE, MATTAM P.O., THRISSUR.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR, PIN. 680 001.**

BY GOVERNMENT PLEADER SMT.K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 18851 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE PROCEEDINGS OF THE REGIONAL TRANSPORT
AUTHORITY, THRISSUR GRANTING REGULAR PERMIT IN FAVOUR OF THE
PETITIONER DATED 12.3.2015**

**P2 - TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN
WPC.NO.30683 OF 2014 DATED 19.11.2014**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18851 of 2015

Dated this the 2nd day of July, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent for settlement of timings in the light of Ext.P2 judgment.

2. The petitioner is the registered owner of stage carriage KL-08/R 5098 which has been granted permit by the Regional Transport Authority, Thrissur on the route between Thriprayar and Chavakkad via Thrissur on 12.3.2015. The petitioner alleges that there was another service operating on the route between Chavakkad and Thrissur by stage carriage KL-08/P 9484 with a settled timings and the said permit has been cancelled by the Regional Transport Authority and thereby those timings are now vacant. In fact the petitioner himself operated by substituting temporary permit in place of KL-08/P 9484 and the regular permit application of the

petitioner itself is enabling to operate in the said vacancy. Those timings are vacant even now.

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

4. The learned Senior Government Pleader on instructions submitted that though the prayer of the petitioner is to grant the vehicle's timing in respect of KL-08/P 9484, what was ordered under D3 circular made mention of in Ext.P2 judgment does not relate to the same.

This Court is of the view that the matter can be left open to be decided by the Secretary after affording the petitioner and the affected parties, an opportunity of opportunity of being heard.

In the result, the writ petition is disposed of directing the respondent to consider the matter and issue the permit, after affording the petitioner and the affected parties an opportunity of being heard, if the petitioner is eligible to have the same,

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.