

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 19152 of 2015 (T)

PETITIONER:

KUNHIMOHAMMED @ KUNHIPPA, AGED 53 YEARS,
S/O. KOMUKUTTY HAJI, PAKKEESA MANZIL, KARAKUNNU P.O.,
MALAPPURAM DISTRICT - 676 123.

BY ADVS. SMT. SUMATHY DANDAPANI (SR.)
SRI. MILLU DANDAPANI

RESPONDENT:

THE SECRETARY
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM-676 505.

BY SENIOR GOVERNMENT PLEADER SMT. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER TO OPERATE ON THE ROUTE MURIYANKANNIKADAVU - MANJERI.
- EXT.P2: TRUE COPY OF THE TIMING PROCEEDINGS OF VIDE ORDER NO.C5/12357/06/M DATED 1/9/2006 ISSUED BY THE 1ST RESPONDENT TO OPERATE ON THE ROUTE MURIYANKANNIKADAVU-MANJERI.
- EXT.P3: TRUE COPY OF THE PROCEEDINGS, ORDER NO.D3/875/STA/2005 DATED 08.11.2011 ISSUED BY THE STATE TRANSPORT AUTHORITY
- EXT.P4: TRUE COPY OF THE PROCEEDINGS, ORDER NO.C6(D3)/1950/2015M DATED 19/5/2015 ISSUED BY THE RESPONDENT.
- EXT.P5: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C) NO.30683/2014 DATED 19/11/2014.
- EXT.P6: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C) NO.4399/2015 DATED 25/2/2015.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

SHAJI P. CHALY, J.

W.P.(C). No.19152 of 2015

Dated this the 23rd day of July, 2015

JUDGMENT

This writ petition is filed challenging Ext.P4 order timing schedule fixed by the respondent to the stage carriage operated by the petitioner. It is the case of the petitioner that as per D3 circular, the timing schedule will have to be fixed through out the State uniformly. It was accordingly held so in Ext.P5 judgment rendered by this Court.

2. On perusal of Ext.P4, what I gather is that the respondent has even though provided fresh timings in accordance with D3 circular dated 08.11.2011, petitioner is provided with liberty to file objection to the timings set forth by the respondent. The respondent has filed a statement basically contending that by issuing Ext.P4, they have only attempted to implement the judgment of this Court cited as reference in Ext.P4.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent.

4. Today when the matter was taken up for hearing, the

learned counsel for the petitioner has produced a proceeding dated 26.06.2015 of the State Transport Authority, Kerala wherein it is stated that in view of the objections and suggestions put forward by the bus operators and also on the observations and suggestions made by this Court in W.P.(C) No.12774/1997, a more detailed study in the matter is necessary. Therefore, I presume that the State Transport Authority has given due consideration to the apprehensions expressed by the petitioner or similar operators and in that circumstances of the matter, the writ petition can be disposed of protecting the timing schedule fixed to the stage carriage presently operated by the petitioner as per Ext.P2 and provide necessary opportunity to the petitioner to file objection as invited in Ext.P4.

5. Therefore, the writ petition is disposed of directing the respondent to consider objections of the petitioner untrammelled by any observations contained in Ext.P4 and take a decision, bearing in mind, the D3 circular issued by the State Transport Authority as well as the proceedings of the State Transport Authority dated 25.06.2012.

Writ petition is disposed of with the above directions.

Sd/-

SHAJI P. CHALY
JUDGE

smv