

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 20286 of 2015 (I)

PETITIONER:

ABDUL REHIMAN, AGED 57 YEARS
S/O.ABDULLA, 1/33, NELLICKATHUKUZH HOUSE
EDATHALA PO, PIN-683 561, ALUVA
ERNAKULAM DISTRICT.

BY ADVS.SRI.K.G.CLEETUS
SRI.SAJU J.VALLYARA

RESPONDENTS:

1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, MUVATTUPUZHA,
PIN-686 661.
 2. SRI.K.R.MOHANKUMAR
S/O.K.R.RAMA VARMA, KALATHIL LAKSHMIPURAM KOTTA
EDATHALA PO, PIN-683 561, ALUVA
ERNAKULAM DISTRICT.
- R1 BY ADV. GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R2 BY ADV. SRI.SAJEEV KUMAR K.GOPAL
R2 BY ADV. SRI.R.HARISHANKAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 20286 of 2015 (I)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : PHOTOCOPY OF THE REGULAR PERMIT ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER IN RESPECT OF STAGE CARRIAGE KL-40-A-8595 VIDE PERMIT NO.P.ST.17/22/1996.

P2 : PHOTOCOPY OF THE TIMINGS ISSUED TO THE PETITIONER'S SERVICE, KL-40-A-8595.

P3 : PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE ORDER NO.G/33550/2013/EM DATED 2-7-2015.

P4 : PHOTOCOPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 4-7-2015.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20286 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioner is challenging Ext.P3 by which the second respondent was assigned the departure time "10.38 a.m." from Kizhakkambalam, which according to the petitioners, is two minutes ahead of the petitioner's service.

2. The petitioner is conducting a regular stage carriage service on the route between Aluva and Tripoonithura with his stage carriage KL-40-A-8595 by Ext.P2 settled timings with the departure time "10.40 a.m." from Kizhakkambalam. The petitioner alleges that the second respondent has applied for regular permit on the route between Aluva and Vyttila and granted the permit subject to settlement of timings. The second respondent was operating service on the above route on the basis of temporary permit with the departure time "10.27 a.m." from Kizhakkambalam, which was not objectionable. By Ext.P3, timings have been assigned to the

second respondent the departure time "10.38 a.m." from Kizhakkambalam, which is 2 minutes ahead of the petitioner's service. The petitioner alleges that he was not aware of the timing conference and no notice was given to the petitioner and he was not heard before allotting timings to the second respondent and therefore, the issue of Ext.P3 is against the principles of natural justice. It is with this background, the petitioners have come up before this Court.

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

4. When the matter came up for hearing, the learned counsel appearing for both sides submitted that the petitioner as well as the second respondent came to an understanding that the departure time of the second respondent from Kizhakkambalam can be at "10.36 a.m." and the departure time of the petitioner can be "10.40 a.m".

In the light of the above, the first respondent is directed

to fix the time schedule as above, within three weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.