

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 21053 of 2015 (F)

PETITIONER(S):

1. ILLIAS K.P,
KUNNAKKATTUPALLIYALIL, PAYYANADAM P.O,
MANNARKAD, PALAKKAD.
2. A. HAMSA, AMPADATHU HOUSE, PALLIKKUNNU P.O,
MANNARKAD, PALAKKAD.
3. KUNJALI,
MARAKENTHODI VEEDU, PALLIKKUNNU P.O, MANNARKAD,
PALAKKAD.
4. KUNJUMHAMMED, KALLILATHODI HOUSE,
MAKKARAPARAMBU P.O, MALAPPURAM.

BY ADVS.SRI.P.V.JAYACHANDRAN
SRI.S.SUDHEESHKAR
SRI.E.B.SHIVANANDAN
SRI.NIDHI BALACHANDRAN
DR.K.S.NIZAR

RESPONDENT(S):

1. THE REGIONAL TRANSPORT AUTHORITY,
REGIONAL TRANSPORT OFFICE, MANNARKAD, PALAKKAD,
REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
REGIONAL TRANSPORT OFFICE, MANNARKAD, PALAKKAD.
3. VINEESH,S/O. VIJAYAN,
KOZHAKKOTTIL VEEDU, P.O PERUMPADARY WEST,
MANNARKAD, PALAKAD.

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 21053 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE OBJECTIION DATED 07.7.2015

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.21053 of 2015

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Dated this the 18th day of August, 2015

JUDGMENT

The petitioner is seeking a direction to the respondents to consider Ext.P1 objection submitted by the petitioners against the action of the second respondent in placing the applications of the third respondent for granting temporary and regular permit by circulation of papers. According to the petitioners, there is no urgent situation which warrants orders on circulation in the matter.

2. The petitioners allege that they are the senior operators for the last 15 years. The third respondent, who is the owner of a stage carriage bearing Reg. No.KL-09/K.102, submitted applications for issue of four months temporary and regular permits with a set of timings in respect of a cancelled permit in 2005 in respect of the stage carriage bearing Reg. No.KL-09/U.1222 on the route between Palakkayam, Edathanattukara and Kundoorkunnu. The petitioners

allege that the said applications of the third respondent are now notified by the second respondent to be circulated among the members of the first respondent.

3. According to the petitioners, there is no legal necessity or circumstances required under the Motor Vehicles Act and its Rules which warrants the second respondent to circulate the application for granting temporary and regular permits to the stage carriage of the third respondent by avoiding the lawful objections from the existing operators, including the petitioners. Therefore, the petitioners submitted Ext.P1 objection before the second respondent. It is with this background, the petitioners have approached this Court.

4. Heard the learned counsel for the petitioners and the learned Senior Government Pleader in the matter.

5. The learned counsel for the petitioners has confined his argument to the limited prayer for a direction to the respondents to consider Ext.P1 objection submitted by the petitioners.

Considering the nature of the submission and the relief sought for, the writ petition is disposed of directing the respondents to consider Ext.P1 objection, after affording the petitioner and affected party (the third respondent) an opportunity of being heard, before a final decision is taken in the matter.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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