

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 21157 of 2015 (T)

PETITIONER(S) :

**MISHAL V.K,
S/O.ABDUL MAJEED, VATTAKKANDATHIL HOUSE,
VALIYAPARAMBA.P.O, KODUVALLY, KOZHIKODE.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
VATAKARA-670 101.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 21157 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

P1: TRUE COPY OF THE DECISION OF THE RTA VATAKARA DATED 05.05.2015

**P2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
W.P.(C).NO.16819 OF 2015.**

**P3: TRUE COPY OF THE NOTICE FOR TIMING CONFERENCE
DATED 20.06.2015.**

**P4: TRUE COPY OF THE PROPOSED SET OF TIMINGS SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.21157 of 2015

Dated this the 21st day of July, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to issue permit with provisional set of timings with liberty to the secretary RTA to settle the timings.

2. The petitioner alleges that he had applied for grant of variation long time back and the same was rejected, against which statutory appeal was preferred as Appeal No.93 of 2012. The STAT has set aside the decision of the RTA and remitted back the matter for fresh consideration. The RTA which met on 5.5.2015, granted variation and the same was granted subject to settlement of timings. The petitioner further points out that as the timings were not being settled, he moved this Court by filing W.P.(C) No.16819 of 2015. This Court directed the settlement of timings. The timing conference was scheduled on 2.7.2015, which has been deferred to date not specified. Hence the petitioner has submitted a proposal

timings which is clash free to operate on the varied route; it is alleged.

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 would submit that the petitioner's request should be considered in the next RTA meeting. However, this request was seriously opposed by the learned counsel for the petitioner on the ground that though the matter came up for consideration before the RTA meeting scheduled to be held on the first week of June, no timing was settled.

5. It was submitted by the learned Senior Government Pleader that if the provisional timing is settled, there would be a clash between the timings of other operators.

However, taking into account the special circumstances of the case, the writ petition is disposed of directing the respondent to issue permit with a provisional set of timings within a period of one week from the date of receipt of a copy

of this judgment. However, it shall be open to the respondent to reconsider the same in the next meeting, after affording the petitioner and other affected operators, an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.