

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 21928 of 2015 (M)

PETITIONER :

**SABU.M.S.,
MANGALATH PUTHENPURAYIL,
P.O.KLLUVAYAL, IRITTY, KANNUR DIST.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR-670 002**
- 2. P.T. CHANDY, S/O.THOMAS,
PANTHAMANCHOTTIL, AICHERY,
SREEKANDAPURAM, KANNUR DIST -670 631**

R1 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 21928 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
ISSUING TIMINGS FOR THE PETITIONERS SERVICE DT. 11/10/2014**
- EXT.P2: TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
ISSUING TIMING IN RESPECT OF KL-05/AB 3555 DT. 8/10/2013**
- EXT.P3: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT ON 8/1/2015**
- EXT.P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT ON 31/1/2015**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21928 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Exts.P3 & P4 objections.

2. The petitioner is an existing operator, operating on the route between Kalluvayal and Chandanakampara via Thaliparamba. The 2nd respondent is also conducting service with a common sector from Iritty to Thaliparamba having a distance of 46 km. As the service being operated by the 2nd respondent was under default for three years, keeping the permit under suspended animation, the petitioner's service was issued with the timing taking into consideration the vacant timings. When the 2nd respondent's service resumed service, the 1st respondent, without any settlement of timings or without taking note of the timings in respect of other services, allowed to operate with the old set of timings,

..2..

which directly clashes with the timing of the petitioner's service; it is alleged. The petitioner's grievance is that though he submitted Exts.P3 & P4 objections before the 1st respondent to make necessary modification in the time schedule of the above service and avoid clash of timings, the same have not be considered yet. Hence, this writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Government Pleader in the matter.

Considering the nature of the submission and the nature of the relief sought for, this writ petition is disposed of directing the 1st respondent to consider Exts.P3 & P4 after affording the petitioner and the 2nd respondent an opportunity of being heard. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-