

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. 22709 of 2015 (K)

PETITIONER(S):

1. **E. NAZEER,**
VALAKOTTU HOUSE, PERUNGALA P.O, KAYAMKULAM.
2. **PREETHA MENON,**
THUSHARA, PERINGALIPURAM P.O, CHENGANNUR.
3. **RIYAS,**
PUTHENPURAYIL, VERUVALLY BHAGOM, KAYAMKULAM.
4. **REEFATH**
VALAKOTTU HOUSE, PERUNGALA P.O, KAYAMKULAM.

BY ADV. SRI.STALIN PETER DAVIS

RESPONDENT(S):

1. **THE SECRETARY REGIONAL TRANSPORT AUTHORITY,**
ALAPPUZA 688 001.
2. **RAMESH T,**
MALAYIL THEKKETHIL, ERUVANKARA, MAVELIKKARA 690 101.

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:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE JUDGMENT IN WPC 18072/15 DATED 24.6.15.**
- EXHIBIT P2. COPY OF THE OBJECTION FILED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT ON 21.7.15.**
- EXHIBIT P3. COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT ON 22.7.15.**
- EXHIBIT P4. COPY OF THE OBJECTION FILED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT ON 21.7.15.**
- EXHIBIT P5. COPY OF THE OBJECTION FILED BY THE 4TH PETITIONER BEFORE THE 1ST RESPONDENT ON 21.7.15.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22709 of 2015

Dated this the 28th day of July, 2015.

JUDGMENT

The petitioners are seeking a direction to the first respondent to consider Exts.P2 to P5 objections filed by the petitioners before considering the application for temporary permit submitted by the second respondent.

2. The petitioners allege that first petitioner is a stage carriage operating on the route between Aayiramthengu and Chengannur in respect of vehicles KL-29/B 4244, the second petitioner on the route between Kayamkulam, Kuthiyathode in respect of vehicle KL-29/3443, third petitioner on the route Mavelikara -Chengannur in respect of vehicle KL-2/N 9912 and the fourth petitioner on the route between Mavelikara and Chengannur in respect of vehicle KL-17/A 7817. All are operating in accordance with the settled set of timings. The petitioners further allege that the second respondent applied for a temporary permit on the route between Ayyamparambu

and Kotta Market. The second respondent applied for temporary permit in a vacancy elapsed in 2003. Immediately thereafter, the second respondent approached this court and obtained Ext.P1 judgment by which the respondent was directed to consider and pass appropriate orders on Ext.P1 application, after affording the petitioner an opportunity of being within a period of one month from the date of receipt of a copy of this judgment. Now the petitioners' request is that their objections have also been heard before considering the application of the second respondent. It is with this background, the petitioners have come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the submissions and the nature of the relief sought, the writ petition is disposed of directing the first respondent to consider the objections submitted by the petitioners, which are taken for consideration, after affording the petitioners an opportunity of being heard, within

a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.