

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23132 of 2015 (N)

PETITIONER :

**UMMER, AGED 56 YEARS,
S/O.KASIM HAJI, MALIYEKKAL HOUSE,
IRUVETTI B. THOTTILANGADI, VIA KAVANOR,
AREACODE, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT :

**THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE - 673 020.**

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PROCEEDINGS DATED 10/3/2015 OF THE RTA,
KOZHIKODE IN ITEM NO.98.

EXT.P2: TRUE COPY OF THE REQUEST DATED 13/4/2015 BEFORE THE
RESPONDENT FOR THE ISSUANCE OF THE TEMPORARY PERMIT.

EXT.P3: TRUE COPY OF THE JUDGMENT DATED 28/4/2015 MADE IN WPC
NO.1338/2015.

EXT.P4: TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY RTA, KOZHIKODE
DATED 28/10/2002 ISSUING THE PERMIT TO BUS NO. KRM-6696 TO
OPERATE ON THE ROUTE AREACODE - MUKKOM.

EXT.P5: TRUE COPY OF THE PROCEEDINGS DATED 17/6/2015 ISSUED BY THE
RESPONDENT RE-SETTING THE TIMINGS OF THE PETITIONER'S SERVICE.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23132 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

Under challenge in this writ petition is Ext.P5 proceedings issued by the respondent. According to the petitioner, it was issued without taking note of the direction contained in Ext.P3 judgment.

2. The petitioner is a stage carriage operator and is the grantee of a four months temporary permit in respect of stage carriage No.KL-II T-4849 in the vacant timings of bus No.KRM 6696 to operate on the route between Areacode and Kozhikode via Mukkam vide decisions taken in item No.98 on the meeting of the RTA Kozhikode held on 10.3.2015. The petitioner alleges that Ext.P1 decision was taken by the RTA as per the direction issued by the STAT in M.V.A.A. No.2/2015. However, as the permit has not been issued even after a lapse of more than month from the date of Ext.P1 proceedings, the petitioner made a request before the respondent on 13.4.2015

for the issue of the permit granted vide Ext.P1 proceedings. The petitioner further alleges that as per Ext.P3 judgment, the direction was to issue the permit in the same set of timings of the defaulted service viz. that of bus No.KRM - 6696 which was issued with a permit on 28.10.2002 with a settled set of timings. However, in total disregard of Ext.P3 judgment, the respondent had settled the timings of Ext.P1 grant by changing the timings granted vide Ext.P4 timings to help other operators which is a patent violation of the directions contained in the said judgment. It is with this background, the petitioner has come up before this Court.

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 inviting my attention to Exts. P3 and P5, submitted that Ext.P5 proceedings is perfectly in accordance with the direction contained in Ext.P3 judgment. I see valid force in the said submission.

Therefore, the writ petition is closed if the petitioner is aggrieved by the present timings settled, it is open to the petitioner to submit an application before the concerned authorities for variation.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.