

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23334 of 2015 (N)

PETITIONER(S):

- 1. P ABDUL AMEER, S/O.KOMU HAJI,
PARAMMAL HOUSE, VATTALLOOR P.O,
VIA MAKKARAPARAMBA, MALAPPURAM DISTRICT.**
- 2. SAKEER HUSSAIN, S/O.BEERANKUTTY HAJI,
PULIKKAL HOUSE, EAST KODUR,
P.O.CHATTIPARAMBA, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM - 676 505.**
- 2. C.P.MOHAMMEDALI, S/O.KUNHI MOYTHEEN,
CHERUKAD POTTAKKAD HOUSE, VADAKKEMANNA,
KODUR P.O, MALAPPURAM DISTRICT.**

R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 23334 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1. PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE ORDER NO.G2/127893/2014/M DATED 23.3.15.

EXHIBIT P2. PHOTOCOPY OF THE OBJECTION DATED 24.4.15 SUBMITTED BY THE FIRST PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P3. PHOTOCOPY OF THE OBJECTION DATED 24.4.15 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23334 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

Seeking a direction to the 1st respondent to consider Exts.P2 & P3 objections submitted by the petitioners, the petitioners have come up before this Court.

2. The petitioners, who are registered owners of stage carriages bearing Reg.Nos.KL-10-M-9834 & KL-55-5517, are conducting their services on the routes, Padaparamba - Malappuram and Pulamanthol - Malappuram respectively. As per the existing timings, the 1st petitioner is departing from Padaparamba by 4.20pm and from Malappuram by 5.00 pm and 6.16 pm; and the 2nd petitioner is departing from Pulamanthol by 10.45 am. According to the petitioners, they are senior operators conducting their services with a set of settled timings and they are entitled for preferences in the matter of timings in respect of new services. They allege that recently, the 2nd respondent was granted with a regular permit on the route Pulamanthol - Malappuram subject to settlement of timings and as per Ext.P1, a set of timings have been assigned to the 2nd respondent's service. The petitioners further allege that some of

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the timings assigned to the 2nd respondent are in clash with the petitioners' timings and the timings are issued without verifying the time gaps between the services and in such a way causing great prejudice to the services of the petitioners. The petitioners' grievance is that though they have submitted Exts.P2 & P3 objections before the 1st respondent against the fixation of timings of the 2nd respondent's service, the same have not been considered so far. Hence, this writ petition.

2. Heard the learned counsel for the petitioner and the learned senior Government Pleader.

Considering the nature of the relief sought for, the writ petition is disposed of directing the 1st respondent to consider Exts.P2 & P3 objections after affording the petitioners and the 2nd respondent an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-