

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. 23742 of 2015 (P)

PETITIONER(S) :

**A.K.FAISAL,
S/O.HASSAN, CHAMAYIL HOUSE, P.O CHELAMBRA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S) :

- 1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN- 676 505.**
- 2. SRI.BIJOY,
S/O.GOPALAN, VALIYAKOZHICKATTIL HOUSE,
KOLAKATTUCHALI P.O, MALAPPURAM DISTRICT.**

R1 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:**

Msd.

WP(C).No. 23742 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
VIDE ORDER NO.G2/123537/2014/M DATED 01.06.2015.**

**EXHIBIT P2: PHOTOCOPY OF THE OBJECTION DATED 02.06.2015 SUBMITTED
BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23742 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the first respondent to consider and dispose of Ext.P2 objection against the timings of the stage carriage operated by the second respondent.

2. The petitioner is the registered owner of a stage carriage bearing registration No.KL-10-AD-4786 and is conducting a regular stage carriage service on the route between Kolakuth and Feroke as ordinary service with a set of timings. The petitioner alleges that as per the existing timings, his service departs from Athani by 9.17 a.m. and passes at Olipram by 9.20 a.m. and arrives at University by 9.32 a.m. The petitioner alleges that he being a senior operator on the above sector, is entitled for preferences while fixing timing in respect of new services. The petitioner further alleges that the second respondent was granted with a regular

permit in respect of stage carriage KL-11/S-4518 to operate on the route between Olipram and Feroke - University via Kadappadi subject to settlement of timings and a set of timings have been assigned as per Ext.P1. The second respondent was assigned with a departure time of 9.02 from Feroke and passing time of 9.20 a.m. from Olipram and arrival at University by 9.32 a.m, which is same was that of the petitioner's service.; it is alleged. The petitioner alleges that timings are issued without verifying the time gaps between the services causing great prejudice to the service of the petitioner. Against the fixation of timings of the second respondent's service, the petitioner has submitted Ext.P2 objection before the first respondent. However, he has not so far considered the same. The inaction on the part of the first respondent in considering Ext.P2 objection is illegal and arbitrary. 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. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent to consider Ext.P2 objection, this court is of the view that the writ petition can be disposed of even without issuing notice to the second respondent by providing the second respondent also an opportunity of being heard by the first respondent.

Therefore, the writ petition is disposed directing the first respondent to consider and pass appropriate orders on Ext.P2 objection, after affording the petitioner and the second 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, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.