

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 23936 of 2015 (N)

PETITIONER:

**K.O.JOHNY, AGED 60,
S/O OUSEPH, KULANGARA HOUSE,
ANNALLUR P.O, CHALAKKUDY,
THRISSUR.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT:

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THRISSUR-680 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE APPLICATION FOR REGULAR PERMIT SUBMITTED BY THE PETITIONER DT.5/5/11.
- EXT.P2: TRUE COPY OF THE COVERING LETTER SUBMITTED BY THE PETITIONER DT. 5/5/11.
- EXT.P3: TRUE COPY OF THE RECEIPT DT. 5/5/11.
- EXT.P4: TRUE COPY OF THE VACANT TIMNGS OF STAGE CARRIAGE KL-8/Z 2428.
- EXT.P5: TRUE COPY OF THE ORDER OF THE REGIONAL TRANSPORT AUTHORITY, THRISSUR DT. 28/11/14.
- EXT.P6: TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER DT. 3/2/15.
- EXT.P7: TRUE EXTRACT COPY OF THE GENERAL NOTICE RELATING ITEM NO. 18.
- EXT.P8: TRUE EXTRACT OF THE GENERAL WHERE IN ENTRY 24 RELATES TO THE PROPOSAL TO CONVENE A TIMING CONFERENCE ON 14/7/15.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.23936 of 2015

Dated this the 13th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to implement Ext.P5 by convening a timing conference settling the timings and issuing the regular permit to the petitioner within a time frame.

2. The petitioner had applied for a regular permit to operate on the route Chalakudy-Annamanada-Koratty by submitting Ext.P1 application in 2011. The said application was submitted in the vacant timings of stage carriage KL-8/Z.2428 which had stopped operation. The petitioner alleges that regular permit application submitted by the petitioner was initially considered in the year 2012 and the same was adjourned. Ultimately, the application was considered on 28.11.2014 by the Regional Transport Authority and the same was granted as per Ext.P5. After receipt of Ext.P5 order, petitioner had produced current records of stage carriage KL-

13/H.2050 and requested to issue the regular permit after settlement of timings. After repeated requests the respondent had issued a notice proposing to convene a timing conference on 05.05.2015; it is alleged. However, the timing conference was adjourned on that day. Notice was thereafter issued to convene a timing conference on 14.07.2015 and the same was also not fruitful and it was again adjourned indefinitely. By virtue of this adjournment, the regular permit granted as per Ext.P5 has not been issued yet in spite of the same being applied in the vacant timings of stage carriage KL-8/Z.2428. 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 counsel for the petitioner submits that consideration of Ext.P5 is being adjourned without taking any decision in any of the meeting so far.

5. In the light of the above, this Court is of the view

that the petitioner can be permitted to have provisional set of timings which shall be subject to the objections by the affected operators.

In the result, the writ petition is disposed of directing the respondent to issue provisional set of timings of the petitioner's stage carriage within a period of one week, taking into account the forthcoming Onam season, which shall be subject to the objections, if any, by the affected operators. The respondent is also directed to settle the timings on the regular permit, after hearing the petitioner and the affected parties, an opportunity of being heard, within a period of six weeks thereafter.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.