

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 24200 of 2015 (Y)

PETITIONER(S):

**SHEBY FRANCIS,
THYPARAMBIL HOUSE, UDYOGAMANDAL P.O.,
ELOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.PRASAD CHANDRAN.

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM-682 030.**
- 2. NABEESA P.A., W/O.ABDULLA,
MULLAKKARA HOUSE, NEENDOOR,
VADAKKEKARA P.O., NORTH PARAVUR,
ERNAKULAM DISTRICT-682 011.**

R1 BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1. TRUE COPY OF THE REGULAR PERMIT WITH A SET OF TIMINGS
FOR THE PETITIONER'S SERVICE VALID TILL 02/04/2017.
- EXT.P2. TRUE COPY OF THE PROPOSED SET OF TIMINGS IN RESPECT
OF THE 2ND RESPONDENT SERVICE.
- EXT.P3. TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT ON 26/06/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24200 of 2015

Dated this the 11th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Ext.P3 objection submitted by the petitioner with respect to the timings issued in respect of the vehicle operated by the 2nd respondent.

2. The petitioner is the existing operator in the Munambam – Kottuvally South route. The 2nd respondent has proposed a set of timings for conducting operation with a common sector from North Parur to Kottuvally, having a distance of 14 kms. The timing in respect of the petitioner's service has been issued taking into consideration the vacant timing on the above said route and it is valid till 2.4.2017. The application for regular permit was considered by the RTO in its meeting held on 26.6.2015. The proposed set of timings of the 2nd respondent's service, as suggested by the

2nd respondent before the issue of permit, is without any settlement of timings and without taking note of timing in respect of other services and if it is allowed to operate, the same would directly clash with almost 10 trips of the timing of the petitioner's service ; it is alleged.

3. The petitioner filed Ext.P3 objection before the 1st respondent to make necessary modification in the time schedule of the above service and avoid clash of timings.

However, the 1st respondent has not so far considered Ext.P3 objection submitted by the petitioner. It is with this background, the petitioner has approached this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader.

5. Considering the nature of relief sought for and the submissions made, this writ petition is disposed of directing the 1st respondent to consider Ext.P3 objection, within a period of one month from the date of receipt of copy of this

judgment, after hearing the petitioner and the 2nd respondent.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A.to Judge