

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. 24273 of 2015 ()

PETITIONERS :

- 1. P.V. SADIQALI, AGED 55 YEARS,
S/O.KOYAMMUTTY, PUTHENVEETIL HOUSE,
MUNDENGARA P.O., EDAVANNA, MALAPPURAM DISTRICT.**
- 2. ABDUL MANAF A.,
S/O.ABDULLA, ARAKKAL HOUSE, P.O. VANIYAMBALAM
MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENTS :

- 1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM 676 505.**
- 2. JALAJA
W/O.SREEKUMAR, PRASANTH HOUSE, THAMBANANGADI,
PANDIKKAD P.O., MALAPPURAM DISTRICT.**

R1 BY GOVERNMENT PLEADER SRI.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:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE ORDER
NO.G2/126310/2013/M DATED 20.1.15.**

**EXHIBIT P2: COPY OF THE OBJECTION DATED 9.2.15 SUBMITTED BY THE FIRST
PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P3: COPY OF THE OBJECTION DATED 1.4.15 SUBMITTED BY THE 2ND
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24273 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 authority to consider and pass orders on Exts.P2 and P3 objections submitted by the petitioners against the timings of the 2nd respondent's service.

2. The petitioners are registered owners of stage carriages KL-10-Z-5720 and KL-11-U-2799 and they are conducting their services on the routes Karulai-Perinthalmanna and Mavundri-Nilambur respectively. As per the timings, the 1st petitioner is departing from Wandoor by 12.15 p.m. and passes Pandikkad by 12.40. The 2nd petitioner is departing from Wandoor by 6.20 a.m., passes Kamanam by 7.05, arrives at Perinthalmanna by 7.27, departs from Perinthalmanna by 9.50, passes Pandikkad by 10.30 and arrives at Wandoor by 10.57. The petitioners are

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. According to the petitioner, the 2nd respondent was granted with a regular permit to operate on the route Pandikkad-Perinthalmanna subject to settlement of timings. As per Ext.P1, a set of timings have been assigned. The 2nd respondent was assigned with the departure time of 12.37 p.m. from Pandikkad, which is 3 minutes ahead of the first petitioner's service. The departure time of 6.35 a.m. from Pandikkad, passing time of 7.07 at Kamanam, the departure time of 9.32 from Perinthalmanna and arrival time of 10.22 at Pandikkad are seriously objectionable to the service of the 2nd petitioner. The 2nd respondent was granted with 50 minutes running time to operate on the portion Perinthalmanna-Pandikkad, whereas, all other services are assigned with 40 minutes. Against the fixation of timings of the 2nd respondent, the petitioners have submitted Exts.P2 and P3 objections before the 1st

respondent. However, the petitioners allege that the 1st respondent has not so far considered the same, so as to avoid time clash between the services. The petitioners are aggrieved by the inaction on the part of the 1st respondent in not considering Exts.P2 and P3 objections within a time frame. It is with this background, the petitioners have approached this Court with this writ petition.

3. I have heard the learned counsel for the petitioner, the learned standing counsel for the 1st respondent and the learned Government Pleader.

Considering the nature of reliefs sought for and the submissions made by the counsel for the petitioners, this writ petition is disposed of directing the 1st respondent to consider and pass positive orders on Exts.P2 and P3 objections within a period of one month of receipt of copy of this judgment, after affording the petitioners as well as the 2nd respondent an opportunity of being heard.

To facilitate an early action, it shall be open to the petitioners to produce a copy of the writ petition as well as a copy of this judgment before the respondents.

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

ami/

//True copy//

P.A. to Judge