

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 24365 of 2015 (U)

PETITIONER :

**ABDUL VAHAB.A.V.,S/O. ALIKUTY, AGED 52 YEARS,
VALIYAVALLAPPIL HOUSE,
KARUVANTHURUTHIL P.O., (VIA), FEROKE,
KOZHIKODE DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505.**
- 2. REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505, REPRESENTED BY ITS SECRETARY.**
- 3. MOHAMMED ABDULLA,
S/O ABDULLA HAJI, RESIDING AT MUMTHUS MANZIL,
NEDUVA AMSOM, PARAPPANANGADI TALUK,
MALAPPURAM DISTRICT-676 303
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
MOHAMMED SIRAJ.**
- 4. MOHAMMADALI HAJI,
KUTTIYIL HOUSE, PANTHARANGADI, VIA THIRURANGADI,
MALAPPURAM DISTRICT-676 505.**
- 5. KERALA STATE ROAD TRANSPORT CORPORATION,
MALAPPURAM, REPRESENTED BY ITS OFFICER IN CHARGE,
KSRTC BUS STATION, MALAPPURAM-676 505.**

**R1 & R2 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA
R5 BY ADV. SRI.P.C.CHACKO, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 24365 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REGULAR STAGE CARRIAGE PERMIT RELATING TO NO. KL-11-AV-3940 ISSUED BY THE RTA, KOZHIKODE WHICH IS VALID UPTO 11.1.2016.

EXHIBIT P2: TRUE COPY OF THE TEMPORARY PERMIT FOR FOUR MONTHS GRANTED TO A 3RD PARTY BY THE 1ST RESPONDENT ON 6.12.2014.

EXHIBIT P3: TRUE COPY OF THE OBJECTION DATED 1.6.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT MADE IN WPC NO.18298/2015 DATED 25.6.2015.

EXHIBIT P5: TRUE COPY OF THE ORDER NO.C8/13795/2015 DATED 4.8.2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.24365 of 2015

Dated this the 19th day of August, 2015.

JUDGMENT

The petitioner is aggrieved by the issue of Ext.P5 order, which according to the petitioner, was without considering the directions of this Court in Ext.P4 judgment.

2. The petitioner is a bus operator and owner of bus No.KL-11 AV-3940 which is covered by a regular permit to operate on the route Kozhikode - Parappanangadi which is valid upto 11.1.2016. The petitioner alleges that the fourth respondent has made a joint application purportedly signed along with the third respondent for transfer of permit of Bus No.KI-55-3459 operating on the route Tanur - Parappanangadi - Kozhikode. The third respondent had disputed having signed any joint application and during the pendency of the dispute the validity of the permit of Bus No.KL-55-3459 expired. Apart from that, this Court in W.P.(C) No.22091/2009 and connected cases has upheld the validity of G.O.(P) 42/2009 dated 14.7.2009 and there is a legal bar in granting new permits in

the notified routes mentioned therein. The petitioner further alleges that the fourth respondent has applied for four months temporary permit to operate on the route Kannur - Parappanangadi - Kozhikode as well as the notified scheme on the route Tanur - Parappananagi - Kozhikode which violates the notified scheme on the route Kannur - Ernakulam. Aggrieved by the delay in considering the objection against the grant of temporary permit to the fourth respondent, the petitioner had filed W.P.(C) No.18298/2015 which was disposed of directing the first respondent to consider the objection filed by the petitioner and the KSRTC before considering the temporary permit application filed by the fourth respondent; it is alleged. However, the permit has been granted to the fourth respondent ignoring the directions of this Court. It is with this background, the petitioner has come up before this Court.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the KSRTC.

4. The learned counsel for the petitioner would submit that though there was a clear direction in Ext.P4 to consider

the objection of the petitioner as well as the KSRTC, the same has not been considered.

5. In answer to the said submission, the learned Senior Government Pleader would submit that though notice has been served to the petitioner to appear for hearing, he did not appear.

As the fact remains that the petitioner has not been heard, the matter is remitted back to the respondent to reconsider the issue in the light of Ext.P4 *de hors* the impugned order. This shall be done within a period of two weeks from the date of receipt of a copy of this judgment. The petitioner as well as the KSRTC shall make themselves available without fail on the hearing date as directed by the respondent.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.