

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24876 of 2015 (H)

PETITIONER(S):

**C.K.SUKUMARAN NAIR,
ASHA BHAVANAM, LAKKATTOOR WEST P.O, KOOROPADA,
KOTTAYAM.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

**1. THE SECRETARY, RTA, KOTTAYAM,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM 686 002.**

**2. BABU JOSEPH,
MADAPPATTU HOUSE, ELAMPALLY,
PALLIKKATHODE P.O,
KOTTAYAM.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 24876 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE PROCEEDINGS OF THE IST RESPONDENT VIDE ORDER
NO.G1/120262/2014 K DATED 3.2.15.**

**EXHIBIT P2. COPY OF THE OBJECTION DATED 6.2.15 SUBMITTED BY THE
PETITIONER BEFORE THE IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24876 of 2015

Dated this the 17th 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-05-AK-7101 and is conducting a regular stage carriage service on the route between Ponkunnam and Ayarkunnam via Kottayam as ordinary service with a set of timings. The petitioner alleges that as per the existing timings, his service departs from Ponkunnam by 7.00 p.m. towards Ayarkunnam. 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-05-W-9273 to operate on the route between Pampady and Ponkunnam subject to settlement of timings and a set of timings have been assigned as per Ext.P1. The proposed time of the second respondent was at 6.45 p.m. from Ponkunnam. However, as per Ext.P1, the second respondent was assigned with the departure time of 6.52 p.m. from Ponkunnam, which is 8 minutes ahead of the petitioner's service.; it is alleged. 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.