

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25168 of 2015 (U)

PETITIONER :

**NAZIM H., S/O.KHALID,
NAZEERA MANZIL, ALAMCODE P.O.,
ATTINGAL, PIN-695 102.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM,
(RURAL), ATTINGAL-695 101.**
- 2. M.S.RAJAN,
SYAM NIVAS, KADAMUKKU, PULLAYIL P.O.,
THIRUVANANTHAPURAM-695 001.**

R1 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 25168 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : THE COPY OF THE TIME SHEET ISSUED TO THE PETITIONER.

P2 : THE COPY OF THE PROCEEDINGS DATED 28-1-2015.

P3 : THE COPY OF THE REQUEST DATED 29-1-2015 SUBMITTED BY THE
PETITIONER.

P4 : THE COPY OF THE PROCEEDINGS DATED 10-3-2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25168 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is aggrieved by Ext.P4 passed by the respondent.

2. The petitioner is an existing operator on the route between Sarkara Temple and Attingal. The permit is issued in respect of stage carriage No.KL 16 F/5508. The 2nd respondent, who is an existing operator on the route between Chirayinkeezh and Kadakkal, moved an application for revision of timings, which was directed to be considered as per the judgment in WP (C) No.20193/2014. Pursuant to the above, the 1st respondent convened a timing conference and allotted a set of timings. The petitioner alleges that on account of the said set of timings, time gap available to the petitioner has been revised. Aggrieved by the same, the petitioner submitted Ext.P3 application for revision of timings so as to avert time clash, which was rejected by the Secretary, RTA as per Ext.P4. The petitioner alleges that Ext.P3 is rejected without notice and without hearing the petitioner as well as the 2nd respondent stating that the objection cannot be entertained. Therefore, according to the petitioner,

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Ext.P4 is illegal, arbitrary and liable to be set aside. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned senior Government Pleader.

4. The learned senior Government Pleader, on instructions, submitted that the Secretary, RTA could not settle the timings on account of the objection from the 2nd respondent and other affected parties.

5. Taking into account the circumstances pointed out by the petitioner, this Court is of the view that there can be a re-look by the 1st respondent after affording the petitioner and the affected parties including the 2nd respondent an opportunity of being heard.

Therefore, Ext.P4 is quashed; and the matter is remitted back to the 1st respondent to consider the matter afresh after affording the petitioner and the affected parties including the 2nd respondent an opportunity of being heard within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-