

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25508 of 2015 (K)

PETITIONER(S):

- 1. MOIDEEN P.K, S/O.MAMMADU,
2/211, PULLIYIL KURUVANTHODI HOUSE,
P.O MELMURI, MALAPPURAM.**
- 2. C.K.ABDUSAMAD, S/O.AYAMKUTTY,
CHALLATTIL KALLADITHODI HOUSE, MELMURI,
MALAPPURAM DISTRICT,
REPRESENTED BY THE POWER OF ATTORNEY,
C.K.MAMMADU, CHALLATTIL KALLADITHODI HOUSE,
MELMURI P.O, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN - 676 505.**
- 2. SRI.YUNAS V.V, S/O.IBRAHIM V.V,
VADAKKU VEETIL HOUSE, MARIYAD P.O,
POOKKOOTTUR, MALAPPURAM - 676 517.**

R1 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 25508 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1. PHOTOCOPY OF THE EXTRACT OF THE DECISION OF THE MEETING
 OF THE RTA MALAPPURAM HELD ON 4.2.15 VIDE ITEM NO.23.**

**EXHIBIT P2. PHOTOCOPY OF THE OBJECTION DATED 13.8.15 SUBMITTED BY THE
 1ST PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P3. PHOTOCOPY OF THE OBJECTION DATED 13.8.15 SUBMITTED BY THE
 2ND PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25508 of 2015

Dated this the 20th day of August, 2015

J U D G M E N T

The petitioners are seeking a direction to the 1st respondent to settle Exts.P2 & P3 objections submitted by the petitioners before issuing regular permit to the 2nd respondent.

2. The petitioners are stage carriage operators in Malappuram District. The 1st petitioner is the registered owner of stage carriages bearing Reg.Nos.KL-10-V-975 and KL-10-AA-223 and are operating on the route between Manjeri and Malappuram. The 2nd petitioner is conducting regular stage carriage service on the route between Manjeri and Malappuram with his stage carriage bearing Reg.No.KL-10-Z-6054. The 2nd respondent was granted with a regular permit on the route between Pookkottur High School at Aravankara and Majeri, subject to settlement of timings as per Ext.P1. Pursuant

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to Ext.P1, the timing conference was convened on 10.08.2015. The petitioners allege that due to non cooperation of the 2nd respondent, the 1st respondent could not complete the settlement of timings. According to the petitioners, most of the timings proposed by the 2nd respondent are in serious clash with the petitioners' services. Therefore, the petitioners submitted Exts.P2 & P3 objections before the 1st respondent with a request not to issue the proposed timings without convening a timing conference. The petitioners allege that the 2nd respondent is making all endeavour to get the regular permit issued with the timings proposed by him. According to them, if the regular permit is issued to the 2nd respondent with the proposed timings without hearing the petitioners and their objections, the petitioners would be put to great difficulties. Hence, this writ petition.

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

Considering the nature of the relief, the writ petition

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is disposed of directing the 1st respondent to settle Exts.P2 and P3 objections filed by the petitioners in respect of timings, before issuing regular permit to the 2nd respondent, after affording the petitioners and 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.

To facilitate an early action, the petitioners shall be at liberty to produce a copy of this judgment and a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-