

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 30689 of 2009 (E)

PETITIONER:

M.S.SIDDIQUE,
AGED 46, S/O.SAIDALAVI, MULAKKAL HOUSE
CHERUTHURUTHY, TRICHUR DISTRICT.

BY ADVS.SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, PALAKKAD.
3. THE REGIONAL TRANSPORT AUTHORITY,
TRICHUR, REPRESENTED BY THE SECRETARY.
4. K.A.JOSEPH MASTER,S/O.LATE ALEXIS,
JOLEX BHAVAN, P.O.CHERUTHURUTHY, TRICHUR
MEMBER, WARD NO.10, VALLATHOLE NAGAR GRAMA PANCHAYATH
CHERUTHURUTHY.
5. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

R4 BY ADV. SRI.L.DINESH MENON
R1-R3 BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-04-2015,
ALONG WITH WPC. 36815/2010 AND WPC. 6244/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY of the REGULAR PERMIT IN RESPECT OF KL 08/AG 4127 with ENDORSEMENT REGARDING TRANSFER, RENEWAL AND REPLACEMENT

EXT.P2: TRUE COPY OF THE TIME SCHEDULE DT 11.7.2000

EXT.P3: TRUE COPY OF THE REGULAR PERMIT IN RESPECT OF KL 08/ah 673 WITH ENDORSEMENT REGARDING REPLACEMENT

EXT.P4: TRUE COPY OF THE TIME SCHEDULE DT 15.1.2000

EXT.P5: TRUE COPY OF THE NOTICE DATED 6.12.2005

EXT.P6: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DT 26.12.2005

EXT.P7: TRUE COPY OF THE NOTICE DATED 27.11.2006

EXT.P8: TRUE COPY OF THE INTERIM ORDER PASSED BY THE HUMAN RIGHTS COMMISSION DT 14.11.2006

EXT.P9: TRUE COPY OF THE NOTICE FOR THE MEETING TO BE HELD ON 20.11.2007 DT 15.11.07

EXT.P10: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DT 20.11.2007

EXT.P11: TRUE COPY OF THE NOTICE DT 6.6.2008

EXT.P12: TRUE COPY OF THE NOTICE DT 6.6.2008

EXT.P13: TRUE COPY OF THE LETTER SUBMITTED BY THE PETITIONER DATED 13.06.2008

EXT.P14: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DT 20.11.2007

EXT.P15: TRUE COPY OF THE APPEAL MEMORANDUM MVAA NO. 352/08 WITHOUT EXHIBITS FDILED BY THE PETITIONER DATED 17.6.2008

EXT.P16: TRUE COPY OF THE ORDER OF STAY PASSED IN MP NO.1565/08 IN MVAA NO.352/08 DATED 18.6.2008

EXT.P17: TRUE COPY OF THE JUDGMENT IN MVAA NO.352/2008 DATED 15.10.2009

EXT.P18: TRUE COPY OF THE ORDER DATED 20.08.2010

RESPONDENTS EXHIBITS:

EXT.R4(a): TRUE COPY OF THE REPLY AFFIDAVIT IN MVAA NO.352/2008DT 15.7.08

EXT.R4(b): TRUE COPY OF THE IMPEADING PETITION IN MVAA NO.352/2008 DT 2.7.2008

TRUE COPY

P.A TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) Nos. 30689 of 2009, 36815 of 2010 &
6244 of 2014

Dated this the 6th day of April, 2015

J U D G M E N T

All the above writ petitions arise from the same variation granted to one M.S Siddique, operating in a route on the basis of a regular permit. A suo motu variation was granted against which an unsuccessful appeal was filed before the Tribunal. The Tribunal's order is challenged in W.P(C) NO.30689/2009. W.P(C) No.36815/2010 is filed by a ward member of a Local Self Government Institution, seeking implementation of the variation. Purportedly, the ward member took up the matter for ventilating the cause of the travelling public. A settlement of timings by the Secretary, again allegedly without notice to the operator, is challenged in W.P(C) No.6244/2014.

2. While the writ petitions were pending, the Regional Transport Authority is said to have directed the Motor Vehicle Authorities to call the parties and arrive at a settlement. Now, the operator who is running three buses in the very same route has agreed

to operate six trips; two each for each of the said stage carriages in the very same route. The ward member who represents the cause of the travelling public also seems satisfied with the same settlement. In such circumstance, as per the agreement the operation shall be continued and the Secretary shall issue timings on the basis of the said settlement arrived at for; operation in the varied route.

Writ petition is disposed of with the above observation. The settlement entered into between the parties would form part of the judgment.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

true copy

P.A to judge