

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C) .No. 35453 of 2015 (F)

PETITIONERS:

BINEESH N.JOSE, AGED 28 YEARS,
NALANNUMPADAVIL HOUSE, KABANIGIRI P.O, PULPALLY,
WAYANAD

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM REGIONAL
TRANSPORT OFFICER,
WAYANAD 673 121.

2. BIBIN P.S.,
S/O. SURENDRAN, VEETIL HOUSE, ERIYAPPALLY,
PULPALLY, WAYANAD 673 579.

R1 BY GOVERNMENT PLEADER SMT. SANGEETHA.K.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 27-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 35453 of 2015 (F)

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1 - TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY, RTA SHOWING THE TIMING SCHEDULE OF THE SERVICE WITH ITS VEHICLE NO.KL 12/C 5287 DATED 4-12-2013.

EXHIBIT P2 - TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY RTA SHOWING THE TIMING SCHEDULE OF THE SERVICE WITH ITS VEHICLE NO KL 12/D 5175 DATED 4-12-2013/

EXHIBIT P3 - TRUE COPY OF THE AGENDA ITEM NO 26 WITH PROPOSED TIMING DATED 15-09-2015.

EXHIBIT P4 - TRUE COPY OF THE TIME HEARING NOTICE IN SERIAL NO.24.

EXHIBIT P5 - TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 13-11-2015.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No.35453 of 2015-F

Dated this the 27th day of November, 2015

JUDGMENT

The petitioner is the transferee of two permits which stood in the name of one Eldho on the route Irulam - Pulpally - Meenangady which was operated with vehicle bearing Registration Nos.KL 12/C 5287 and KL 12/D 5175 under Exts.P1 and P2. According to the petitioner, the 2nd respondent is a person engaged with trafficking with the permits, by making the permits without showing any vehicle particulars and when the permit is granted, showing a vehicle number that may stand in the name of others and by getting it transferred to his name and thereby obtaining permits without showing the vehicle. The 2nd respondent has applied for the grant of a regular permit on the route

Pulpally -Meenangadi via. Irulam, the same route of the petitioner and it seems that the R.T.A., on its meeting held on 15/9/2015, as against item No.26 of the R.T.A. meeting, granted regular permit. According to the petitioner, the 2nd respondent has not shown any vehicle number for the said permit. Though the permit was granted with a rider to produce the vehicle within 10 days, the 2nd respondent has not complied the said direction and the time allowed was run out. In the meantime, the 1st respondent put a time hearing notice to issue the granted permit to the 2nd respondent and the hearing will be held on 27/11/2015.

2. Aggrieved by the granting of permit, without production of the vehicle, by the 2nd respondent, the petitioner has filed Ext.P5 objection before the 1st respondent. The petitioner apprehends that Ext.P5 objection will not be considered in the timing conference, which is scheduled to be held on 27/11/2015. This is the grievance projected in this

writ petition.

3. The learned Government Pleader, on instructions, submits that all the affected permit holders will be heard in the timing conference, scheduled to be held on 27/11/2015 and the petitioner's Ext.P5 objection also will be considered in that timing conference. The said submission is recorded.

This writ petition is disposed of accordingly.

Sd/-
(K. HARILAL, JUDGE)

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//true copy//

P.S. to Judge