

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36554 of 2015 (T)

PETITIONER(S) :

SALIM Y.S., AGED 35 YEARS,
NIZAM MANZIL, PANDALAMMUKKU, PULLIPARA P.O.
KADAKKAL, KOLLAM.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S) :

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER,
KOLLAM-691001.

BY SR.GOVERNMENT PLEADER SMT.K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 03-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C) .No. 36554 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1 : TRUE COPY OF THE TIMING ISSUED TO THE PETITIONER'S
SERVICE ON THE ROUTE KADAKKAL-AYOOR WITH STAGE CARRIAGE
KL 2/R 2925.
- P2 : TRUE COPY OF THE AGENDA ITEM WITHITS ITEM NO.11.
- P3 : TRUE COPY OF THE TIME HEARING NOTICE DT.30-10-15.
- P4 : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE
RESPONDENT DT.26-11-15.

RESPONDENT(S) ' EXHIBITS: NIL

OKB

// True copy //

P.A. to Judge

K.HARILAL, J.

W.P.(C) No.36554 of 2015

Dated this the 3rd day of December, 2015.

JUDGMENT

The petitioner is a regular stage carriage permit holder operating on the route Kadakkal-Ayoor via Chunda for the last 13 years, now with a stage carriage bearing No.KL-2/R-2925, which was replaced to the vehicle KL-2/N-5664. The grievance of the petitioner is that regular stage carriage permits on the route Ayoor-Kallara, Kallara-Chadayamangalam, Kadakkal-Kallara and Kadakkal-Kayamkulam with respect to the stage carriages bearing Nos.KL-24/J-1161, KL-24/H-5373, KL-3/J-7477 and KL-24/J-7216 respectively, are being processed and considered by the respondent. According to the petitioner, all services sought only two or three trips via petitioner's route, that too sought for the existing alleged vacant timings which were requested to be given to the petitioner as one of the agenda item came up for consideration in respect

of the route Ayoor–Kallara via Chunda.

2. The petitioner objected those timings, since the alleged vacant timings are entirely granted to the petitioner being the senior operator. The petitioner filed Ext.P4 objection to the timing proposed by the aforesaid stage carriage operators. The timing conference is scheduled to be held on 8.12.2015 and 17.12.2015 respectively. The apprehension of the petitioner is that if the time revision is effected as requested by the aforesaid operators, that will obviously affect his interest and being a senior operator in the route since the last more than 13 years, the respondent is liable to safeguard his interest in priority to the interest of others, according to the petitioner.

3. Aggrieved by the timing revision proposed by the aforesaid stage carriage operators, the petitioner filed Ext.P4 objection. This writ petition is filed seeking a direction to the respondent to consider his objection also in the timing conference scheduled to be held under Ext.P3.

4. Having regard to the grievances highlighted in this writ petition and the submissions made at the Bar in support of the averments in the writ petition, the respondent is directed to consider Ext.P4 objection filed by the petitioner also in the timing conference scheduled to be held under Ext.P3, after hearing the petitioner and all other affected parties.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.