

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 36833 of 2015 (D)

PETITIONER :

- 1. JOY P.V., AGED 46 YEARS, PATHICKAL HOUSE,
MAROTTICAL P.O., THRISSUR.**
- 2. M.D. MURALI, MANKUZHAY HOUSE,
MARATHAKKARA.**
- 3. P.J. RAJI, PUTTANIYI HOUSE,
P.O. MANNAMANGALAM.**

BY ADV. SRI.ANUMOD B.NAIR

RESPONDENTS :

- 1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
THRISSUR PIN - 680001.**
- 2. ANNAKUTTY, ANATHARAKKAL HOUSE,
PONNUKARA P.O., BHARATHA, THRISSUR - 680306.**

R1 BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 36833 of 2015 (D)

APPENDIX

PETITIONER'S EXHIBITS :

**P1: COPY OF THE NOTICE OF THE R1 DT 26/10/2015 FIXING THE TIMING
CONFERENCE TO 10/12/2015.**

**P2: COPY OF THE OBJECTION FILED BY THE PETITIONERS BEFORE THE R1
DT 6/11/2015.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.S.TO JUDGE

bp

K. HARILAL, J.

W.P. (C) No. 36833 of 2015

Dated this the 4th day of December, 2015

JUDGMENT

The petitioners are existing stage carriage operators operating their service on the strength of regular permit with settled set of timings. the petitioners 1 and 2 are operating service on the route Thrissur-Marottichal with stage carriages bearing Nos.KL-17/8287 and KL-08/BD 4050 and the 3rd petitioner is conducting service on the route Thrissur-Ponnukkara with stage carriage KL-49/5600.

2. The 2nd respondent has been granted variation of permit by allowing extension of 2 Km alone. His request for curtailment of the portion of the route has been disallowed by the Regional Transport Authority. Therefore, what is required is the settlement of timings only as far as extended

portion is concerned. There is absolutely no requirement for change in the existing timings. But, the 1st respondent scheduled a timing conference to 10.12.2015 by Ext.P1. The petitioners who will be affected due to any change in the existing timings in the existing route filed Ext.P2 objection against change of existing timings. According to the petitioners, unless Ext.P2 objection is considered in the timing conference which is scheduled to be held on 10.12.2015, their legal and legitimate rights, which they are enjoying now will be defeated. Hence the petitioners filed this writ petition seeking a direction to the 1st respondent to consider Ext.P2.

2. Heard the learned counsel for the petitioners and the learned Government Pleader.

3. According to the petitioners, existing timings on the existing route need not required any alteration and such change will seriously

affect the timings of their existing service and the interest of travelling public. Having regard to the grievance ventilated in this writ petition, the 1st respondent is directed to consider Ext.P2 objection in the timing conference which is scheduled to be held on 10.12.2015, in respect of the variation allowed in favour of the 2nd respondent in respect of his stage carriage bearing No.KL-17/D 7159, after affording an opportunity of being heard.

This writ petition is disposed of accordingly.

Sd/-

(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge