

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36955 of 2015 (T)

PETITIONER(S):

1. **MOHAMMED BASHEER, S/O.ABDULLA,
ELAPARAMBAN HOUSE,
P.O.PUTHUPARAMBA, MALAPPURAM DISTRICT.**
2. **K.SAIDALAVI, S/O.ABDUL HAJI,
KARI HOUSE, P.O. MATTATHUR,
MALAPPURAM DISTRICT.**
3. **C.K.ABDUL RASHEED, S/O.KUNHALAVI HAJI,
CHALATTIL KALLADITHODI HOUSE,
P.O.MELMURI, MALAPPURAM.**

BY ADV. SRI.SAJU J.VALLYARA

RESPONDENT(S):

1. **THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,,
MALAPPURAM, PIN - 676 505.**
2. **SRI.MUNEER BABU, S/O.KUNHIMMU HAJI,
KOORIMANNIL HOUSE,
MATTATHUR P.O., OTHUKKUNGAL,
MALAPPURAM DISTRICT - 676 505.**

R1 BY SENIOR GOVERNMENT PLEADER SMT.SANJEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 36955 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE
ORDER NO.G2/93350/2015/M DATED 09/06/2015.**

**EXT.P2: PHOTOCOPY OF THE OBJECTION DATED 29/09/2015 SUBMITTED BY THE
1ST PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P3; PHOTOCOPY OF THE OBJECTION DATED 01/10/2015 SUBMITTED BY THE
2ND PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P4: PHOTOCOPY OF THE OBJECTION DATED 01/10/2015 SUBMITTED BY THE
3RD PETITIONER BEFORE THE 1ST RESPONDENT.**

**EXT.P5: PHOTOCOPY OF THE PROCEEDINGS OF THE R.T.A., MALAPPURAM HELD ON
21/05/2015 VIDE ITEM NO.23.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

K.HARILAL, J.

W.P.(C) No.36955 of 2015

Dated this the 7th day of December, 2015.

JUDGMENT

The petitioners are stage carriage operators in Malappuram District and they are conducting regular stage carriage services on the route Malappuram-Puthuparamba-Thalakkappu, Karathode-Vengara and Chungam-Kottakkal respectively. The 2nd respondent has applied for grant of regular permit to operate on the route Kottakkal-Vengara. Pursuant to the judgment of this Court in W.P(C) No.13105/2015 the 1st respondent has issued four months' temporary permit to the 2nd respondent by Ext.P1 proceedings valid from 9.6.2015 to 8.10.2015. When the 2nd respondent started operation of service, the petitioners submitted their objections regarding the timing, which are evidenced by Exts.P2 to P4. While the objections of the petitioners were pending before the 1st respondent, the 2nd respondent was issued with temporary permit.

Now the 1st respondent by Ext.P5 proceedings has granted regular permit also to the 2nd respondent, subject to settlement of timings. According to the petitioners, if the 2nd respondent is allowed to continue operation, the petitioners will be put to grave difficulties.

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

3. Having regard to the grievance ventilated through pleadings in this writ petition and the submissions made at the Bar, the 1st respondent is directed to consider the objections raised in Exts.P2 to P4 by the petitioners at the time of timing conference.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.