IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

WP(C).No.26747 OF 2020(P)

PETITIONER:

ABU N.A
AGED 46 YEARS
S/O.AYMU,
NADUVATHAZHETH HOUSE,
CHERANELLOOR,
PIN-682034.

BY ADVS.
SRI.M.JITHESH MENON
SMT.K.INDU (POURNAMI)
SRI.R.BRIJESH
SRI.P.G.MAHESHKUMAR

RESPONDENTS:

1 **THE REGIONAL TRANSPORT AUTHORITY**
ERNAKULAM,
CIVIL LINES,
KAKKANAD, KOCHI-30.

2 **THE SECRETARY,**
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM, CIVIL LINES,
KAKKANAD,
KOCHI-30.

SRI KP HARISH SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner herein has been issued with a regular permit to operate service on the route Cheranallur -North Parur - Vytilla Hub by using an appropriate vehicle. He states that he has already produced the current records of vehicle bearing Reg. No. KL-09/U 5253. However, no steps have been taken to issue the regular permit. His prayer in this writ petition is to issue a direction to the respondents to issue the regular permit with proposed set of timings pending a settlement of the timings at a formal timing conference to be scheduled by the respondents.

2. Heard Sri M.Jithesh Menon, the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents.

3. It is submitted by the learned Government Pleader that on account of the restrictions imposed due to the pandemic, the authority is finding it difficult to schedule timing conferences and as a provisional measure, the permits can be issued to the petitioner by settling the timings provisionally after ensuring that the provisional timings do not clash with the timings of other vehicles operating in the same route so that unnecessary competition

and inconvenience can be avoided.

4. In view of the above, the following order is passed:

a) The respondents shall obtain a report from the Motor Vehicles Inspector and ensure that the provisional timings offered by the petitioner do not clash with the timings of other vehicles operating on the same route. If there is a likelihood of a clash of timings, the timing shall be modified accordingly. On the basis of the same, the respondents shall issue regular permit to the petitioner within a period of four weeks from the date of receipt of a copy of this judgment. It is made clear that the timing so fixed shall be provisional in nature.

b) The above direction shall be subject to settlement of timings formally at a timing conference which shall be scheduled by the concerned authority. If the situation is not conducive to hold an open meeting in physical mode, the respondents may hold the conference virtually, if there are no other impediments.

c) It is also made clear that the issuance of the permit with provisional timing as directed in direction (a) above will not be seen as conferring any right on the petitioner to insist on the same timings at the time of settlement

of the timings at the formal meeting to be convened by the Regional Transport Authority as per direction (b).

The petitioner shall produce a copy of the writ petition together with a copy of the judgment before the respondents to ensure compliance.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

sru

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE APPLICATION FOR A PERMIT SUBMITTED BY THE PETITIONER DATED 24.8.2019.
EXHIBIT P2	TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT DATED 1.2.2020.
EXHIBIT P3	TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE KL-9/U.5253.
EXHIBIT P4	TRUE COPY OF LETTER ISSUED BY THE 2ND RESPONDENT DATED 18.9.2020.
EXHIBIT P5	TRUE COPY OF THE JUDGMENT IN WP(C) NO.13013/2020 DATED 3.7.2020.