

(2022) 10 KL CK 0131

In the High Court Of Kerala

Case No : Writ Petition (C) No. 32944 Of 2022

Abbas .E S/o Hassan

APPELLANT

Vs

Secretary, Regional Transport Authority, Malappuram,
Regional Transport Office, Civil Station P.O., Malappuram
676505

RESPONDENT

Date of Decision : 17-10-2022

Acts Referred:

Citation : (2022) 10 KL CK 0131

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : I.Dinesh Menon, Jimmy George

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with the following prayer:

I. "Issue a writ of mandamus or such other writs, order or direction, commanding the Secretary, Regional Transport Authority, Malappuram to consider Ext.P2 objection preferred by the petitioner before finalizing the proceedings relating to issuance of permit to the 2nd respondent on the route Chunkam Vyvasayasal Office-Malappuram-Kottakkal-Ponmala Muttippalam, in respect of SC KL—53 H 3504;"

2. Petitioner is an existing stage carriage operator conducting service on the route Mongam – Parappanangadi in respect of stage carriage KL-10 BH 385. The 2nd respondent filed an application for grant of a regular permit on the route Chunkam Vyvasayasal Office-Malappuram-Kottakkal-Ponmala Muttippalam and same was considered by the Regional Transport Authority, Malappuram in its meeting held on 7.01.2020 and it was allowed. It is a case of the petitioner that the said operator had moved before this Court and obtained an order to issue the permit with proposed set of timing. Thereafter the timing conference was

scheduled for which there are two notices. It is the case of the petitioner that he omitted to take note of the second notice when the timing of the 2nd respondent's service was notified and hence petitioner could not participate in the timing conference. The objection is as relating to one time slot along from Malappuram at 4.54 which is just one minute ahead of the petitioner's service KL-10 BH 0385 and the petitioner preferred an objection. Ext.P2 is the objection. The prayer of the petitioner is to consider the same before issuing the proceedings.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. After hearing both sides, the writ petition itself can be disposed of directing the 1st respondent to consider Ext.P2 if the proceedings revising the timing of the 2nd respondent is not issued.

Therefore the writ petition is disposed of with the following directions:

1. The 1st respondent will consider Ext.P2 if the proceedings revising the timing of the 2nd respondent is not issued.