

(2022) 12 KL CK 0001

In the High Court Of Kerala

Case No : Writ Petition (C) No. 38831 Of 2022

Sunny Mathew

APPELLANT

Vs

Secretary, Regional Transport Authority

RESPONDENT

Date of Decision : 01-12-2022

Acts Referred:

Citation : (2022) 12 KL CK 0001

Hon'ble Judges : Amit Rawal, J

Bench : Single Bench

Advocate : I.Dinesh Menon, Jimmy George

Judgement

Amit Rawal, J

1. Petitioner with intention to run the business of transport with usage of stage carriage permit had submitted an application for issuance of a regular permit on 26.09.2022 with a covering letter, Exts.P1 and P2. The application of the petitioner was considered in the meeting of the committee as per Agenda No.12 dated 29.11.2022 Ext.P4, the decision for allotment of the regular permit is awaited. In the meantime, respondent No.2, who is already the holder of a regular permit, also submitted an application for issuance of the timings on 06.10.2022 and since application was pending, approached this Court in W.P. (C).No.32758/2022. This Court vide judgment dated 14.10.2022 directed the competent authority to take a call on his application, but did not take into consideration that it may have an impact on the other holders of stage carriages. Petitioner, apprehending that there would be clash of timings, submitted an objection Ext.P8 dated 28.11.2022.

2. Learned counsel appearing on behalf of the petitioner submits that the only apprehension expressed in the present writ petition is that since the direction of this Court in order dated 14.10.2022 Ext.P6 pertains only to 2nd respondent, the competent authority may not hear the petitioner while considering the request of respondent No.2 for allotment of the timings.

3. Issue notice before admission. Sri.Jimmy George, learned Government Pleader accepts notice and submits that no cause of action has accrued in favour of the petitioner as, he, as on today, is not the holder of regular permit. He is only hopeful of getting it, the decision may either be in his favour or against, but submits that there cannot be any problem for hearing the objections, in case the petitioner is issued a regular permit.

4. I have heard the learned counsel for the parties and appraised the paperbook.

The facts as noticed above are not in dispute. The order of this Court Ext.P6 do not reflect any direction to the competent authority for consideration of the objections of the already existing operators or intended operators. Petitioner is sanguine of issuance of regular permit and with that hope in mind, submitted an objection Ext.P8. I am of the view that in case the 1st respondent decides to issue regular permit and decision on the revision of timings in favour of the respondent No.2 is taken thereafter, petitioner would have a right to be considered. In that eventuality, not only the objection submitted by the petitioner hopeful of being issued a regular permit, but other objections which are being filed or intended to be filed shall be considered and the competent authority shall decide the issue of revision of timings after consideration of the objections, in accordance with law.