

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

**THURSDAY, THE 31ST DAY OF AUGUST 2017/9TH BHADRA, 1939**

**WP(C).No. 28887 of 2017 (I)**  
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**PETITIONER(S) :**  
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**M.PRABHAKARAN, AGED 54 YEARS,  
MANAKKANCHARATH HOUSE, KILLIMANGALAM P.O.,  
CHELAKKARA, THRISSUR.**

**BY ADV. SRI.M.JITHESH MENON**

**RESPONDENT(S) :**  
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- 1. THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
THRISSUR, PIN- 680 001.**
- 2. SRI. UDAYABHANU,  
ITILAVALLAPPIL HOUSE, P.O.ADAT,  
THRISSUR- 680 554.**

**R1 BY SR. GOVERNMENT PLEADER SMT. C.S.SHEEJA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31-08-2017, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Msd.**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXHIBIT P1: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT  
DATED 09.05.2000.**

**EXHIBIT P2: TRUE COPY OF THE ORDER REJECTING THE REQUEST  
SUBMITTED BY THE 2ND RESPONDENT DATED 15.06.2016.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT IN MVARP NO. 101/2016  
DATED 25.03.2017.**

**EXHIBIT P4: TRUE EXTRACT OF THE RELEVANT PAGE OF THE NOTICE  
DATED 09.08.2017.**

**EXHIBIT P5: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER  
DATED 15.08.2017.**

**RESPONDENT(S)' EXHIBITS :**

**NIL**

**//TRUE COPY//**

**PA.TO JUDGE.**

**Msd.**

**SHAJI P. CHALY, J.**

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**W.P.(C). No. 28887 OF 2017**  
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Dated this the 31<sup>st</sup> day of August, 2017

**JUDGMENT**

Petitioner is a stage carriage operator conducting service on the route Oralassery - Thrissur by stage carriage bearing No. KL-48-C-99 and operating with a set of timings issued on 09.05.2000. The second respondent is a stage carriage operator with vehicle No. KL-8/Y-1518 with a set of timings issued in 2004. According to the petitioner, the second respondent has been allotted with a running time at the rate of 2.25 minutes per K.M. The second respondent has applied for reduction of his running time from 2.25 minutes to 2 minutes per K.M., seeking parity with running time of other services, which was dismissed by the statutory authority, as per Ext.P2 which was under challenge before the State Transport Appellate Tribunal. The State Transport Appellate Tribunal, as per Ext.P3 directed the statutory authority to

reconsider the issue. Thereupon, petitioner has submitted Ext.P5 objection, which is pending consideration. According to the petitioner, the timing conference is scheduled on 13.09.2017 and the petitioner's objection shall also be taken into account and a direction may be issued accordingly is the relief sought for by the petitioner, in this writ petition. It is also submitted that petitioner has sought adjournment of the timing conference scheduled on 13.09.2017 for a period of three weeks.

2. Having regard to the facts and circumstances of the case and hearing learned counsel for the petitioner, learned Senior Government Pleader and learned counsel appearing for the second respondent, there will be a direction to the first respondent to take into account Ext.P5 objection submitted by the petitioner and consider the same, in accordance with law. There will be a direction to the petitioner to provide a copy of Ext.P5 to the second respondent sufficiently earlier to the convening of the conference. The issue with respect to the adjournment of timing conference sought for by the

petitioner in Ext.P5 shall also be taken into account by the first respondent.

Writ petition is disposed of accordingly.

**SHAJI P. CHALY**  
**JUDGE**

DCS