

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No.172 of 2015 (V)

PETITIONER:

**LANSAMMA THOMAS,VALIYAKANDATHIL HOUSE,
PERIMPANACHI P.O.,CHANGANACHERRY.**

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 001.**
- 2. SHAMEER BASHEER,KALLUKOMBIL HOUSE,
PONKUNNAM,KOTTAYAM - 686 001.**

**R1 BY GOVT. PLEADER SRI.R.RANJITH.
R2 BY ADV.SRI.K.V.GOPINATHAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.172 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:A TRUE COPY OF THE TIME SCHEDULE ISSUED TO THE
PETITIONER'S STAGE CARRIAGE OPERATING SERVICE ON THE
ROUTE THANKAMONY - CHANGANACHERRY.**

**EXHIBIT P2:A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
DATED 14.10.2014.**

EXHIBIT P3:A TRUE COPY OF THE NOTICE DATED 16.12.2014.

EXHIBIT P4:A TRUE COPY OF THE NOTICE DATED 25.12.2014.

**EXHIBIT P5:A TRUE COPY OF THE JUDGMENT DATED 05.02.2014 IN WPC
NO.3339 OF 2014.**

RESPONDENT'S EXHIBITS:

**EXT.R2(a):TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
DATED 24.11.2014 IN RESPECT OF THE PETITIONER'S SERVICE.**

//TRUE COPY//

P.S. TO JUDGE

pk

K.VINOD CHANDRAN, J

W.P.(C).No. 172 of 2015

Dated 4th March, 2015

JUDGMENT

The petitioner is aggrieved with the revision of timings proposed as against the 2nd respondent. The 2nd respondent appeared and filed a counter affidavit in which the specific contention is that, the revision of timings now proposed as per Ext.P3 is not for his own vehicle but for other services also, and that the timings are sought to be settled in accordance with D3 Circular. It is also contended that, the petitioner has also obtained the timings in accordance with D3 Circular.

2. The petitioner's rival contention is that, in fact, D3 Circular is not made effective insofar her service is concerned since it is a Limited Stop Ordinary Service (LSOS). The running time prescribed for LSOS, which was

introduced subsequent to the introduction of D3 Circular, is similar to that which existed prior to D3 Circular. The specific contention is that, the revision of timings with respect to the petitioner was necessitated only on conversion to LSOS.

3. In the present case, what assumes significance is that, the Secretary, RTA has issued notice as per Exts.P3 and P4 admittedly to revise the timings as per D3 Circular. That exercise can go on, since D3 contemplates that all services under the RTAs would be settled with such timings. However, this Court has specifically considered the effect of D3 Circular and held in W.P.(C).2844 of 2013 that the implementation of D3 shall only be after the date is notified by the State Transport Authority. Hence, despite the settlement of timings as per Exts.P3 and P4, the 2nd respondent

shall be permitted to operate only on Ext.P2 timings till a date is notified by the State Transport Authority as per D3 Circular. Fixation as per D3 Circular can definitely be proceeded with, since it is expedient that the RTA's settle timings under D3 Circular, and inform the STA, so as to effectuate uniform implementation.

Writ petition disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//