

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 11390 of 2015 (W)

PETITIONER :

**ABDUL AZEEZ,
S/O.PARI, PEEDIKAPURAYIL HOUSE, PAROPPADI
MERIKUNNU P.O., KOZHIKODE.**

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
MALAPPURAM, PIN-676505.**

BY GOVT. PLEADER SRI. SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 12.12.2014.

EXT.P2 COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C)
NO. 34271/2014 DATED 18-12-2014.

EXT.P3 COPY OF THE REQUEST MADE BY THE RESPONDENT BEFORE THE
RESPONDENT DATED 30.3.2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 11390 of 2015

Dated this the 8th day of June, 2015

J U D G M E N T

The petitioner is an existing operator on the route between Kozhikode and Tirur via Kadampuzha and Kottakkal. The departure time of his service from Kozhikode is 5.15 pm; and as per Ext.P1, the petitioner requested for a vacant time, 5.30 pm. As per Ext.P2, this Court directed consideration of Ext.P1. In Ext.P2, nothing was mentioned about D3 circular, which is to be implemented in due course. Under such circumstances, the petitioner filed Ext.P3 pointing out that the request may be considered in accordance with the present running time without prejudice to the right of the respondent to modify the same in accordance with D3 circular in the general revision. According to the petitioner, the consideration of request is scheduled to be held on 05.05.2015 as per the direction of Ext.P2 judgment. The petitioner apprehends that in the absence of a direction from this Court, the respondent would insist implementation of D3 circular and thereby the very purpose of consideration of

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request would be defeated. Hence, this writ petition.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader.

3. The learned counsel for the petitioner submits that D3 circular has not been implemented in the State; and as and when the same is implemented, the petitioner is ready to undergo the directions in D3.

Therefore, the writ petition is disposed of directing the respondent to consider Ext.P3 while considering the request of the petitioner for change of timing as per Ext.P1, retaining the existing running time without prejudice to the right of the respondent in modifying the time in accordance with D3 circular in the general revision, when arises. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-