

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937**

**WP(C).No. 16079 of 2014 (H)**  
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**PETITIONER:**  
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**O.F.SEBASTIAN, AGED 36 YEARS  
S/O. FRANKLIN, RESIDING AT OOTTUPARAMBIL HOUSE  
SOUTH CHELLANAM P.O., KOCHI-682008.**

**BY ADV. SRI.P.DEEPAK**

**RESPONDENTS:**  
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**1. THE SECRETARY  
REGIONAL TRANSPORT AUTHORITY, ALAPPUZHA-688001.**

**2. JOSE SHAJI  
KOCHUPARAMBIL HOUSE, ANDHAKARANAZHY P.O.  
CHERTHALA-688531.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR  
R2 BY ADV. SRI.G.PRABHAKARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-03-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1- A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 02-11-2012.**
- EXHIBIT P2- A TRUE COPY OF THE JUDGMENT DATED 11-12-2012 IN MVARP NO. 464 OF 2012.**
- EXHIBIT P3- A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 22-01-2013.**
- EXHIBIT P4- A TRUE COPY OF THE JUDGMENT DATED 25-10-2013 IN MVARP NO. 92 OF 2013.**
- EXHIBIT P5- A TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 11-02-2014.**
- EXHIBIT P6- A TRUE COPY OF THE JUDGMENT DATED 20-03-2014 IN MVARP NO. 30 OF 2014.**
- EXHIBIT P7- A TRUE COPY OF THE JUDGMENT DATED 18-12-2009 IN WA NO. 2877 OF 2009.**
- EXHIBIT P8- A TRUE COPY OF THE NOTICE PROPOSING TO CONVENE A TIMING CONFERENCE ON 26-06-2014.**

**RESPONDENT(S)' EXHIBITS**  
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- EXHIBIT R2(A): TRUE COPY OF THE TIMING WITH THE STAGE CARRIAGE VEHICLE KL-43/A 5335 ON THE ROUTE ANDHAKARANAZHY-THOPPUMPADY**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**K.VINOD CHANDRAN, J.**

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**W.P.(C) No.16079 of 2014**

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**Dated this the 31<sup>st</sup> day of March, 2015**

**JUDGMENT**

The petitioner, a ward member insists that the 2<sup>nd</sup> respondent should halt at Thoppumpady for 1 ½ hours, which has given rise to the above writ petition. The 2<sup>nd</sup> respondent was issued with a timing in the route Arattuvazhy - Thoppumpady by Ext.P1 wherein he was required to halt at Thoppumpady from 7:33 p.m to 9:21 p.m. The 2<sup>nd</sup> respondent, aggrieved by the long halting time, approached the Tribunal and suggested that a vacant time at 8:04 p.m be considered for departure from Thoppumpady. The Tribunal directed such consideration by Ext.P2. The same was rejected by Ext.P3. Further challenge was made giving up the contention of the vacant time slot, but seeking reconsideration to avoid the long waiting time at Thoppumpady. A further remand was made by Ext.P4, which culminated in Ext.P5.

2. By Ext.P5 the authority made a nominal modification, which did not mitigate the grievance of the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent's service starts at 4:04 a.m in the morning and terminates only at 11:00 p.m in the night. Hence, the 2<sup>nd</sup> respondent's specific contention was that there was absolutely no reason why the petitioner should be made to halt at Thoppumpady for 1 ½ hours. The specific grievance was not addressed by the authority under Ext.P5. The petitioner again approached the Tribunal, which culminated in a further remand as per Ext.P6. The petitioner's contention is that he has not been made a party in Ext.P6, despite he having agitated the cause, consistently and vigilantly on behalf of the residents of the locality. In any event, there is only a remand made as of now. Prima facie, it is difficult to countenance the objection raised by the petitioner that a stage carriage operator should be made to halt at a place for more than 1 ½ hours. There is no

discernible reason stated as to how the commuters would be benefited by that. This Court would not make any positive comment on that ground, since it is for the authority to take up the matter and consider the issue specifically noticing the contentions of the 2<sup>nd</sup> respondent regarding the halting time at Thoppumpady.

3. The petitioner cannot also have a contention that the 2<sup>nd</sup> respondent's stage carriage is the last bus operated in the route since by Ext.R2(a) it is clear that there is another service which leaves Thoppumpady in the same route at 9:20 p.m.

4. All these contentions can be urged before the 1<sup>st</sup> respondent. The petitioner and the 2<sup>nd</sup> respondent shall be present before the authority on 17.04.2015 on which date the authority shall give them a date of hearing and then shall publish a public notice of the timing conference scheduled, for other rival operators to be participated, and shall settle

the timings specifically dealing with the contentions of the 2<sup>nd</sup> respondent, within a period of two months from the date of appearance.

Writ petition disposed of.

Sd/-  
**K.VINOD CHANDRAN, JUDGE**

vdv