

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 17230 of 2015 (C)

PETITIONER :

**POLACHAN.P., AGED 47 YEARS,
INCHACKAL HOUSE, NEELEESWARAM P.O.,
KALADY, ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS :

- 1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA - 686 661**
- 2. MUTHU, S/O.PAREETH PILLAI,
MOOKKADA HOUSE, VALLAM, PERUMBAVOOR,
ERNAKULAM - 683 542.**

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SAJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY, RTA SHOWING THE
TIME SCHEDULE DATED 27.3.2015.
- P2: TRUE COPY OF THE PROCEEDINGS OF THE SECRETARY, RTA SHOWING THE
TIME SCHEDULE DATED 14.8.2014.
- P3: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE
RTO MUVATTUPUZHA DATED 27.3.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17230 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

The petitioner has come up before this Court for a direction to the first respondent to consider Ext.P3 request submitted by him.

2. The petitioner is a regular stage carriage operator, operating on the route between Thattekkad and Illythodu with the vehicle bearing no.KL 44/4399. According to him, the rate of running time allotted to all services operating between Kothamangalam and Perumbavoor is only 40 minutes as the distance is only 16 kilometres, allotting time @ 2 ½ minutes per kilometre. The petitioner alleges that there are around 25 services operating with 40 minutes time, including the petitioner.

3. The second respondent was granted a permit to operate on the route between Perumbavoor and Kothamangalam for his vehicle bearing no.KL-7/AG 8092. The petitioner and different operators in

the sector filed objections and those complaints are not considered by the second respondent; it is alleged.

4. The petitioner alleges that a duty is cast upon the first respondent to consider Ext.P3 request filed by him and to take a final decision on it. This inaction according to the petitioner is arbitrary, unfair and unjustifiable. The petitioner further alleges that if the request filed by him is rejected, he would have an alternative remedy before the State Transport Appellate Tribunal. As Ext.P3 is not disposed of, he is put to difficulties. It is with this background, the petitioner has come up before this Court.

5. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the submission made and the relief sought for, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P3 after affording the petitioner an opportunity of being heard. This shall be

done within a period of one month from the date of receipt of a copy of this judgment.

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

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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