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. 17234 of 2015 (D)

PETITIONERS :
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1. **SAJAN**
   VAZHAPPILLY HOUSE, CHERUVALOOR, KORATTY,
   (WITH STAGE CARRIAGE KL 7/AP 5758)

2. **VIPIN JOY,**
   KANNAPILLY HOUSE, MATTOOR P.O., KALADY
   ERNAKULAM (WITH STAGE CARRIAGE KL 35/A 3630)

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY
CUM REGIONAL TRANSPORT OFFICER, ERNAKULAM - 682030.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

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

bp

WP(C).No. 17234 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE 1ST PETITIONER TIMING WITH STAGE CARRIAGE KL 7/AP 5758

P2: TRUE COPY OF THE 2ND PETITIONER TIMING WITH STAGE CARRIAGE KL 35/A 3630

P3: TRUE COPY OF THE COMBINED REQUEST FILED BY THE PETITIONERS BEFORE THE RESPONDENT DATED 29.4.2015.

P4: TRUE COPY OF THE JUDGMENT DATED 8.5.2015 IN WPC NO.13863/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17234 of 2015

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Dated this the 10th day of June, 2015

JUDGMENT

The petitioners have come up before this Court seeking a direction to the respondent to consider Ext.P3 request.

2. The first petitioner is a senior regular stage carriage permit holder operating on the route between Perumbavoor, Angamaly and Kokkunnu with KL 17/AP 5758. The second petitioner operates on the route between Angamaly, Perumbavoor and Mekkappala with KL-35/A 3630. As per Ext.P1, the first petitioner leaves Angamaly at 4.35 p.m, and reaches Perumbavoor at 5.10 p.m after reaching Angamaly at 4.25 p.m.

3. The petitioners allege that due to the opening of new bus stand at Perumbavoor and also due to the traffic block, caused by the introduction of several services, change of timing of other services etc., the first petitioner is unable to maintain the existing timing as the time allotted are not enough. At the same time, the second petitioner leaves Angamaly at 4.37 p.m and reaches Perumbavoor after reaching Angamaly at 4.26 p.m. This timing,

according to the petitioners, is not sufficient to operate.

4. The petitioners filed a request to revise their own timings so that the first petitioner be allotted 4.31 p.m as departure time from Angamaly instead of 4.35 p.m and the second petitioner be allotted 4.35 p.m as departure time from Angamaly instead of 4.31 p.m. They allege that Ext.P3 requires urgent consideration and disposal by hearing the petitioners in the interest of public safety. Otherwise, acute and unhealthy competition may endanger the safety of the public.

5. The grievance of the petitioner is that the Secretary, RTA has not taken any decision on Ext.P3 and the inaction on the part of the respondent is arbitrary, unfair. It is with this background, the petitioners have come up before this Court.

6. Heard the learned counsel for the petitioners and the learned Government Pleader in the matter.,

Considering the nature of the relief sought for and the submissions made by the learned counsel for the petitioners, this writ petition is disposed of directing the respondent to consider and dispose of Ext.P3 after affording the petitioners an opportunity of being heard 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 petitioners 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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