

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18631 of 2015 (D)

PETITIONER(S) :

**JOMY DEVASSY,
MANJOORAN HOUSE, CHUNANGAMVELI, ALUVA,
ERNAKULAM DISTRICT.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM- 682 030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 18631 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 06-03-2015 IN
MVARP NO.243/13 WITH KL-7/AL 2870 VAZHAKULAM-ALUVA-
KALADY.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No18753 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

Aggrieved by the non-implementation of Ext.P1 Order by the Kerala State Transport Appellate Tribunal, the petitioner herein come up before this Court.

2. The petitioner is a regular stage carriage permit holder operating on the route Vazhakulam - Aluva - Kalady with stage carriage Vehicle KL-07-AL 2870 with a set of timings. The petitioner preferred an objection to the timing issued to his own service, claiming that without considering the same and without altering his timing, he is unable to operate his service. Therefore the petitioner preferred a Revision Petition before the State Transport Appellate Tribunal as MVARP No.243/2013 and the State Transport Appellate Tribunal found that the impugned order therein was not maintainable and was pleased to set aside by directing the respondents to re-settle the timings by giving a hearing opportunity to all concerned. Though Exhibit P1 was produced immediately, so far the same has

not been implemented even though there is a positive Order from the State Transport Appellate Tribunal to resettle the timings. Anyhow, there is a duty cast upon the Secretary, Regional Transport Authority to implement Exhibit P1 Order of State Transport Appellate Tribunal and resettle the timings without delay but so far the same is not done.

3. As yet, Exhibit P1 is not implemented by the Secretary, R.T.A. and if there is any direction to resettle the disputed timings, it is a fit case that a decision should be taken without no time. The public interest also warrants the implementation of Exhibit P1 Order with immediate effect as clash and competition could be avoided and the public safety is maintained. It is humbly submitted that having direction by the State Transport Appellate Tribunal to resettle the disputed timings, the Secretary, Regional Transport Authority has to implement the same without any delay and hence this Writ Petition(C).

4. Heard the learned counsel for the petitioner

and learned Government Pleader in the matter.

5. The limited prayer in this writ petition is only for a direction to pass final orders to the respondent implementing Ext.P1 order.

The writ petition is disposed of, directing the respondent to consider and pass final orders in the light of what has been stated in Ext.P1 order within a period of one month from the date of receipt of the copy of this judgment.

**A.V.RAMAKRISHNA PILLAI
JUDGE**

VS