

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 18909 of 2015 (K)

PETITIONER(S):

**KURIEN MATHEW,
CHENNIKARA HOUSE, AMAYANNOOR P.O., KOTTAYAM.**

BY ADV. SRI.STALIN PETER DAVIS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM - 686 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 18909 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: A TRUE COPY OF JUDGMENT IN MVAR P 57/15 DTD. 31ST MARCH 2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18909 of 2015

Dated this the 17th day of July, 2015

J U D G M E N T

The petitioner has approached this Court for a direction to the respondent to implement Ext.P1 judgment of the STAT in MVARP 57/2015, which, according to the petitioner, directed the respondent to consider the petitioner's request for revision.

2. In the statement filed by the respondent, it is stated that Ext.P1 passed by the STAT has been complied with by hearing the applicant on 05.06.2015. It was further stated that on 19.05.2015, the permit holder has produced Ext.P1 order of the STAT in MVARP No.57/2015, in which the Secretary, RTA was directed to consider the request for revision of timings afresh after affording a reasonable opportunity of being heard to the petitioner and to pass appropriate orders on the application for revision of timings in accordance with law.

His request was to revise the existing timings by changing the last trip, which starts from Kottayam at 7.15 pm. He wanted to change it as 6.10 pm. This was on account of the change in the timings of the train. For complying with the directions of the STAT, the petitioner was again called for hearing on 05.06.2015, in which the petitioner has failed to submit the timings of other stage carriages after the aforesaid time (i.e., this is the last vehicle to Elamkadu). Hence, the time revision would be against the interest of the travelling public; according to the respondent. The Enquiry Officer again reported that there is no urge under Rule 145(7) of the Kerala Motor Vehicles Rule for a revision of timing; and hence, the request was again rejected and Annexure A proceedings was issued accordingly. Ext.P1 order of the STAT is dated 31.03.2015 and the writ petition was filed only on 24.06.2015. The petitioner has produced Ext.P1 judgment before the respondent on 19.05.2015; and pursuant to that, the petitioner was heard on 05.06.2015.

..3..

After hearing the petitioner and after perusing the second report of the Motor Vehicle Inspector, the said request was rejected vide Annexure A order dated 05.06.2015. According to the respondent, the petitioner has suppressed the facts before this Court.

As it appears from the statement now filed that the matter has become infructuous, the writ petition is closed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-