

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19161 of 2015 (U)

PETITIONER :

**P.G.MATHEW, AGED 56 YEARS.
MARINGATTU, PERUNNA.P.O, CHENGANACHERRY.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS :

**1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, IDUKKI-685601.**

**2. SHAJAN CHERIYAN,
EZHACHERIL HOUSE, KALTHOTTY .P.O.,
IDUKKI DISTRICT-685602.**

R1 BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 19161 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE TIME SHEET DATED 6.5.2015

P2: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19161 of 2015

Dated this the 2nd day of July, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent for revision of timings.

2. The petitioner is an existing operator on the route between Chenganacherry and Ramakkalmedu and the permit is issued in respect of stage carriage No. KL 53/7290. The petitioner alleges that the second respondent applied for regular permit on the route between Kumily and Nariyampara which was granted by the Regional Transport Authority in the meeting held on 29.1.2015 and the timing conference was convened on 6.5.2015 and fresh timings was allotted to the second respondent. The petitioner is aggrieved by the departure time of the second respondent's service from Nedumkandam at 3.52 p.m. The petitioner's service depart from Nedumkandam at 3.56 p.m. to Kattapana, though there is a slight deviation at Nedumkandam. Since the second

respondent's service arrives Nedumkandam at 3.15 p.m. and parked in the bus bay, naturally all passengers to Kattapana would proceed in the second respondent's service. Since the petitioner's service is proceeding from Ramakkalmedu, naturally the petitioner's service could not arrive before the arrival time of the second respondent's service. The second respondent's service proceeds from Nedumkandam at 3.52 p.m. and arrives Kattapana at 4.58 p.m. Though there is a slight deviation from Kallar to Puliyanmala, the same is immaterial since both services are proceeding from Nedumkandam to Kattapan and the petitioner is losing direct passengers to Kattapana on account of the second respondent's service; it is alleged. Hence the petitioner prays that the timings of the second respondent is to be revised taking note of the time gap available on the route.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the submissions and the nature

of the relief sought for, the writ petition is disposed of directing the first respondent to revise the timings of the petitioner's stage carriage after affording the petitioner, the second respondent and other affected operators, if any, an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.