

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19690 of 2015 (I)

PETITIONER(S):

**SREEKUMAR K, AGED 42 YEARS,
JAYASREE BHAVAN, THRIKKARUVA, KOLLAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM-691 001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 19690 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P4. COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED
15/12/2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19690 of 2015

Dated this the 1st day of July, 2015

J U D G M E N T

The limited prayer in this writ petition is for a direction to the respondent to consider and pass appropriate orders on Ext.P1, which was submitted by the petitioner for revision of timings.

2. The petitioner is an existing operator on the route between Panayam Temple and Kundara Hospital Junction and the permit is issued in respect of stage carriage bearing Reg.No.KL 03 J/9723. The petitioner alleges that the timing of the petitioner's service is settled long ago; and on account of introduction of increased number of services and the introduction of KSRTC services on the sector, the time gap available to the petitioner has been reduced. The petitioner's service is proceeding from Anchalummodu at 3.27 pm and reaches Kundara at 3.52 pm; and due to the closure of railway gate, the petitioner could not commence his service from Kundara at 4.04 pm. The service proceeding from Kundara just before the petitioner's service is at 4.02 pm, which has

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more running time than the petitioner's service. So, immediately, after two stops, both the services are proceeding with the same timings, which. According to the petitioner, causes great difficulties; and the petitioner is not in a position to conduct his service properly. So, he requested to make slight changes so as to commence his service at 4.38 pm from Kundara instead of the present timing at 4.04 pm. According to the petitioner, the said timing is the vacant timing of the surrendered permit in respect of stage carriage No.KL 11AA/2269 operating on the route between Kundara and Muttom. Apart from the above, the petitioner requested to make slight changes for the next trip from Panayam to Kundara so as to commence the petitioner's service at 5.35 pm from Anchalummodu, which is the vacant timing of the surrendered permit in respect of stage carriage No.KL 02 AE/6673 operating on the route between Kollam and Veliyam so that the petitioner's service would reach Kundara at 6.00 pm and also to allot fresh timing from Kundara after 6.00 pm. According to the petitioner, if such a change is made, he would be in a position to conduct his service profitably. His

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grievance is that though he has submitted Ext.P1 application for revision of timings, no action has been taken by the respondent. Therefore, he prays for a direction to the respondent to consider and dispose of Ext.P1.

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

Considering the nature of the submission and the nature of the relief sought for, this writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 in the next timing conference after affording the petitioner and other operators an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-