

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 19757 of 2015 (T)

PETITIONER :

**T.P PRAKASHAN, AGED 47 YEARS,
PRAKASH NIVAS, KANNIYATHU NIRAPPU,
PERUMBAVOOR, ERNAKULAM DT.**

BY ADV. SRI.P.DEEPAK

RESPONDENTS :

**1. THE REGIONAL TRANAPORT AUTHORITY
ERNAKULAM 682030.**

**2. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM - 682030**

R1 & R2 BY GOVERNMENT PLEADER SMT. K.A. SAJEETHA

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

bp

WP(C).No. 19757 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: A TRUE COPY OF THE JUDGMENT DATED 31.10.2014 IN WPC NO.28598
OF 2014.**

EXHIBIT-P2: A TRUE COPY OF THE ORDER OF THE RTA DATED 13.02.2015.

EXHIBIT-P3: A TRUE COPY OF THE REPRESENTATION SUBMITTED ON 16.06.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19757 of 2015

Dated this the 7th day of July, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the second respondent to consider Ext. P3 representation and settle the timings on the varied route untrammelled by the rider imposed by the RTA in Ext.P2 order.

2. The petitioner holds a regular permit to conduct service on the route between Chottanikkara and Aluva via Vyttila, Ernakulam South & High Court. The petitioner alleges that the running time required to complete one trip between the termini is one hour and fifty minutes. At the same time, operating the service via Edappally Bye-pass would reduce the running time by 25 minutes ie, 1 hour and twenty five minutes. In the circumstances, the petitioner filed an application for operating the second trip in the morning via Edappally Bye-pass. By an order dated 5.8.2014, the RTA rejected the application on the reasoning that the existing

facilities offered under the permit are being curtailed. This order was set aside by this Court in W.P.(C) No.28598 of 2014. This Court found that operating the service via Bye-pass would only reduce the traffic congestion in the city. The RTA was directed to reconsider the matter. The RTA reconsidered the matter and has now passed an order allowing the variation as sought for by the petitioner subject to settlement of timings. However, the variation has been granted without changing the existing timings of other trips. In the circumstances, the petitioner submitted a representation before the second respondent to settle the timings untrammelled by the condition imposed by the RTA. However, the second respondent rightly insists that he cannot countenance Ext.P4 unless the condition imposed by the RTA is vacated.

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

4. The learned Senior Government Pleader on instructions submitted that the timing was settled after hearing

the petitioner. It is to be noted that on account of the present rider imposed, the concession which has already been granted to the petitioner permitting the deviation is taken away. Therefore, this Court is of the view that the matter requires a reconsideration.

Therefore, the writ petition is allowed. The second respondent is directed to consider Ext.P3 representation and settle the timings on the varied route untrammelled by the rider imposed by the RTA in Ext.P2 order, after affording the petitioner and other affected 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, 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 second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.