

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 19998 of 2015 (Y)

PETITIONER :

**REJI K.JOSEPH,S/O. K.A JOSEPH, AGED 55 YEARS,
RESIDING AT KATTAKAYAM, PLASSANAL P.O.,
ERATTUPETTA, PALA, KOTTAYAM- 686 575**

**BY ADVS.SRI.A.K.ABDUL AZEEZ
SRI.T.K.SASINDRAN**

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM- 686 002**
- 2. SIJIMON K.K.,
KAPPIL HOUSE, TEEKOY P.O, PALA,
KOTTAYAM -686 580**

R1 GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19998 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF SET OF SETTLED TIMINGS ISSUED BY THE 1ST
RESPONDENT VIDE ENDT.NO C7/27845/2002/K DATED 31-10-2002
- EXHIBIT P2 TRUE COPY OF THE PROCEEDINGS OF THE MEETING HELD ON
14-05-2015 VIDE ORDER NO.G1/27512/2015 K
- EXHIBIT P3 TRUE COPY OF PROPOSED TIMINGS ISSUED BY THE 1ST
RESPONDENT CONSIDERED VIDE ITEM NO.8 AT THE MEETING HELD
ON 14-05-2015
- EXHIBIT P4 TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
DATED 22-06-2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19998 of 2015

Dated this the 3rd day of July, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the first respondent to consider the objection raised by the petitioner against the settled timings of the second respondent's vehicle in the next meeting of the RTA.

2. The petitioner is the owner of a stage carriage vehicle bearing registration No.KL-5-T-7074 operating on the route between Erattupetta and Palai via Payapar on the strength of valid regular permit and Ext.P1 set of settled timings. The petitioner alleges that he has been operating stage carriage service for the last 30 years. While so, the second respondent applied for fresh regular permit in respect of stage carriage KL-05-Q-1002 or a suitable vehicle on the route between Vellany and Pala via Edappady as ordinary service. The first respondent reconsidered the adjourned application in the meeting held on 14.5.2015 and conditionally

granted the fresh regular permit subject to settlement of timings. The petitioner points out that there is considerable gap of time between the petitioner's service and other successive services. The departure time of the petitioner's service from Erattupetta is 12.45 p.m. whereas the previous service departure time is 11.20 a.m. thus having a time gap of 1 hour 25 minutes. The departure time of the petitioner's vehicle from Pala is 1.40 p.m. whereas the departure time of previous service is 12.20 p.m. having a time gap of 1 hour 20 minutes. The petitioner's vehicle departs from Erattupetta at 2.50 p.m. and the next service departs at 4.20 p.m. after a gap of 1 hour 30 minutes. A time gap of 50 minutes exists between the petitioner's service and other service, whose departure time from Pala is 4.40 p.m. and 5.30 p.m. respectively. The first respondent issued Ext.P3 proposed timings without applying his mind allocating only less time between the service operated by the petitioner and the new service to be introduced by the second respondent. The

petitioner further alleges that travelling public will not get any benefit from Ext.P3 proposed timings as the time gap is reduced only by 10, 15 and 20 minutes. The first respondent completely ignored the fact that the said proposed timings will lead to unnecessary time clash and will cause huge loss to the petitioner. Stating all these facts, the petitioner submitted Ext.P4 objection, but the same was not accepted; it is alleged.

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 consider the petitioner's application in the next meeting scheduled to be held on 7.7.2015. 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.