

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. 20025 of 2015 (C)

PETITIONER(S) :

**ABDUL KAREEM, AGED 54 YEARS,
S/O.MUHAMMED, CHOLAPARAMBIL HOUSE, ALIPARAMBA,
ODAMALA P.O., VALAMKULAM, PERINTHALMANNA,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S) :

- 1. THE SECRETARY
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM-676 505.**
- 2. C.P.MUHAMMADALI,
S/O.ABDULRAHIMAN HAJI, CHOLAPARAMBATHU HOUSE, EDATHARA,
P.O.THOOTHA, VIA PERINTHALMANNA,
MALAPPURAM DISTRICT-679 357.**

R1 BY GOVERNMENT PLEADER SMT.KA.SANJEETHA

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1 : TRUE COPY OF THE REGULAR PERMIT IN RESPECT OF STAGE CARRIAGE KL-53-2772 IN THE NAME OF THE PETITIONER.**
- EXT.P2 : TRUE COPY OF THE ORDER NO.G2/14742/1997 DATED 31-12-1997 BY WHICH THE TIMINGS OF THE PETITIONER WAS REVISED.**
- EXT.P3 : TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE NO.C5/26379/1997/M DATED 19-11-1997 WHEREBY TIMINGS IN RESPECT OF SECOND RESPONDENT SERVICE WAS SETTLED.**
- EXT.P4 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 18-05-2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20025 of 2015

Dated this the 7th day of July, 2015.

JUDGMENT

Aggrieved by the delay in considering Ext.P4 request of the petitioner, he has come up before this Court.

2. The petitioner is the registered owner of a stage carriage bearing registration No.KL-53-2772 operating on the route between Perinthalmanna and Cherpullasserri on the strength of a set of timings issued as per Ext.P2. The petitioner alleges that the second respondent who is the registered owner of the stage carriage bearing No.KL-10X-5999. The same was granted with a set of timing as evident from Ext.P3. While Ext.P2 was issued, the timings of the second respondent's service was modified. However, a revised time sheet was not issued to the second respondent. The second respondent accepted the changes in the timings and operated for 17 years without any demur. Now the second respondent is refusing to operate on the ground that the

changes have not been incorporated in the timings issued to him. The petitioner further alleges that he made Ext.P4 request before the first respondent seeking to issue the timings in respect of the second respondent's service incorporating the changes in Ext.P2 as well. However, no action has been taken on Ext.P4.

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

4. The learned counsel for the petitioner would submit that the timings in respect of the second respondent's vehicle was revised as per Ext.P2 as early as in the year 1997. The change in the departure time of the said vehicle was incorporated in the timings in respect of the petitioner's vehicle. However, the first respondent had failed to incorporate the consequential changes in the time sheet of the second respondent.

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 Ext.P4 request of the petitioner taking into account of the said grievance of the petitioner which is projected above, within a period of one week 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.