

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 20110 of 2015 (K)

PETITIONER(S):

**BABURAJ,
PADIKKUTHAZHA HOUSE,
MANIYOOR.P.O., VATAKARA
KOZHIKODE DISTRICT.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER
VATAKARA-673001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 20110 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE REQUEST FILED BY THE PETITIONER
BEFORE THE RESPONDENT DATED 10-5-2015 ON THE ROUTE
VATAKARA-KOZHIKODE-THALASSERY AS LSOS, WITH STAGE
CARRIAGE KL 58/3963.**

**EXT.P2. TRUE COPY OF THE JUDGMENT DATED 29-6-2015 IN WPC
NO. 19377/2015.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No.20110 of 2015

Dated this the 6th day of July, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to consider the petitioner's request for revision of his own timings.

2. The petitioner is a senior regular stage carriage permit holder operating on the route Vatakara - Kozhikode - Thalassery as LSOS, operating now with stage carriage KL 58/3963. The timing of this service was last issued on 10.06.2014. Several services have been introduced through this route and also covering major portions of the route. There were also revision of timings and also surrender of permits on this portion of the route. As per Rule 145(7) of Kerala Motor Vehicles Rules coupled with the decision of the Division Bench in **Krishnankutty Vs. John** [1992(2) KLT 883] and in **Joli Edattel Vs. Secretary, RTA** [2004(1) KLT 493], these all are the grounds, praying for revision of timings. The petitioner

therefore filed request to revise the existing timing. The changes have occurred due to the change of circumstances under Rule 145(7) of the Kerala Motor Vehicle Rules and the request is not disposed of by the Secretary. It is stated that Ext.P1 request is not considered yet and the petitioner is afraid to operate his services due to acute time clash with that of other stage carriage service which ultimately will affect the safety of the public. Since there is a recent notification fixing the rate of running time for single lane roads, different than that of the double lane road etc. the petitioner is amenable for issuance of such rate of timing. At any circumstances of the matter, the respondent authority ought to have revised the petitioner's own timings with the proposed timings offered by the petitioner by considering Ext.P1, in order to save the lives and safety of the public; hence this writ petition.

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

Considering the nature of submission and

nature of prayer, the writ petition is disposed of directing the respondents to consider and pass appropriate orders on Ext.1, 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 petition before the respondents at the earliest.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

VS