

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. 20355 of 2015 (T)

PETITIONER :

**JIBY A.P.,
AGED 43, S/O.POULOSE,
AREECKAL HOUSE, KIDANGOOR P.O.
VENGOOR, ANGAMALY.**

BY ADV. SRI.M.JITHESH MENON

RESPONDENT(S) :

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM
CIVIL LINES, KAKKANAD, KOCHI-30.**
- 2. BAIJU SAKARIA
VENNOOKARAN HOUSE,
KORATTY EAST P.O., PONGAM
THRISSUR - 680 308.**
- 3. GOPINATH E.A.,
EMMATTIPARAMBIL HOUSE,
CHALAKUDY, THRISSUR-680 001.**

R1 BY GOVT. PLEADER SMT. K.A. SANJEETHA

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

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WP(C).No. 20355 of 2015 (T)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE STAGE CARRIAGE PERMIT ISSUED TO THE PETITIONER DATED NIL.**
- EXT.P2 - TRUE COPY OF THE COMBINED REQUEST SUBMITTED BY THE 2ND AND 3RD RESPONDENTS DATED 17.3.2015.**
- EXT. P3 - TRUE COPY OF THE JUDGMENT IN WPC NO.13863/15 DATED 8.5.2015.**
- EXT. P4 - TRUE COPY OF THE GENERAL NOTICE ISSUED BY THE 1ST RESPONDENT DATED 23.5.2015.**
- EXT. P5 - TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER DATED 19.6.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20355 of 2015

Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner is seeking a direction to the 1st respondent to consider Ext.P5 objection submitted by the petitioner at the time of consideration of the joint request, Ext.P2, submitted by respondents 2 and 3.

2. The petitioner is a stage carriage operator conducting service on the route between Telk Junction (Angamaly) and Perumbavoor via Angamaly and Kalady. Respondents 2 and 3, who are the existing operators on the routes, Perumbavoor-Angamaly-Perumbavoor and Perumbavoor-Angamaly-Manjapra respectively, submitted a combined Ext.P2 request for interchange of the timings of their services. They had also approached this Court with WP(C) No.13863/2015, which was disposed of by Ext.P3 judgment directing consideration of the same. According to the petitioner, there is no provision for

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interchange of timings under the Motor Vehicles Act and the Rules framed thereunder; and the provision, which provides for interchange, is Rule 214 of the Kerala Motor Vehicles Rules and the same provides for interchange in respect of two services of the same operator, that too, on temporary basis. Therefore, according to the petitioner, there is absolutely no provision to grant the request of respondents 2 and 3. Pursuant to Ext.P3 judgment, the 1st respondent had issued Ext.P4 notice proposing to convene a timing conference for consideration of the combined request on 10.06.2015. The petitioner had objected to the same and the same has now been adjourned. Thereafter, the petitioner submitted Ext.P5 objection pointing out the lack of legal provision enabling the 1st respondent to grant the prayer sought in Ext.P2 request. The petitioner apprehends that the same would not be considered unless there is a direction by this Court, especially, in view of Ext.P3 judgment. Hence, this writ petition.

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

4. Considering the nature of relief sought for, this Court is of the view that the writ petition can be disposed of even without issuing notice to respondents 2 & 3.

Therefore, the writ petition is disposed of directing the 1st respondent to consider Ext.P5 objection filed by the petitioner, while considering Ext.P2 request submitted by respondents 2 & 3.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-