

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 20944 of 2015 (P)

PETITIONER:-

RAMACHANDRAN,
KOLLAKAYI,
CHERAVALLY, KAYAMKULAM,
KAYAMKULAM P.O, PIN 690 502.

BY ADVS.SRI.P.SANTHOSH KUMAR
SRI.T.P.SAJAN

RESPONDENT:

THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
OFFICE OF THE REGIONAL TRANSPORT AUTHORITY
ALAPUZHA, PIN 688 001.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P T O

WP(C).No. 20944 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT:P1- TRUE COPY OF COPY OF THE TIME SHEET OF THE PETITIONER'S
VEHICLE KL 24A- 5959**

**EXT:P2- TRUE COPY OF COPY OF THE TIME SHEET OF THE VEHICLE
KL/04/P/342**

**EXT:P3- TRUE COPY OF THE APPLICATION DATED NIL FOR REVISION OF
TIMINGS**

**EXT:P4- TRUE COPY OF THE SAID PROCEEDINGS OF THE RESPONDENT DATED
10.3.2015**

RESPONDENT(S)' EXHIBITS - NIL

/ true copy /

P.A TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.20944 of 2015

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Dated this the 22nd day of July, 2015

JUDGMENT

The petitioner is aggrieved by the rejection of his application for revision of own timings by Ext.P4 order.

2. The petitioner is operating a regular service on the route Pattoli Market and Panthalam with the vehicle bearing No.KL-24A-5959 with a settled set of timings for the last ten years. The petitioner alleges that as per the timings, his vehicle departs from Panthalam at 6.38 pm onwards towards Kayamkulam. The stage carriage bearing No.KL-04/P-342 is operating on the route Kayamkulam and Panthalam and as per the timings, the said vehicle also departs from Panthalam at 6.30 p.m towards kayamkulam via Charumoodu.

3. The petitioner further alleges that when the permit was issued to the original permit holder of vehicle bearing No.KL-04/P-342 and while allotting the same time of 6.38 p.m as departure time from Panthalam, he had objected. Thereafter with an understanding between the petitioner and the original permit holder and with the tacit consent of the respondent authority, the

petitioner was permitted to depart at 6.30 p.m. However, the present owner of the said vehicle opposed the departure of the petitioner's vehicle.

4. The petitioner points out that since both the vehicles began to depart from Panthalam with the very same timing i.e. 6.38 p.m., in order to avoid acute time clash and unhealthy competition and to avoid the constant quarrel between the crew of both services, the petitioner filed a request before the respondent authority to allot a vacant time of 6.30 p.m. as departure time for Panthalam instead of 6.38 p.m. However, the said application was rejected by Ext.P4 on the ground that there was no change of circumstances. The petitioner further alleges that Ext.P4 is passed without affording him an opportunity of being heard .

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

6. The learned Senior Government Pleader on instructions submitted that the petitioner has been operating with the present set of timings for the last ten years. However, the challenge is regarding the consideration of Ext.P3 without affording the petitioner an opportunity of being heard.

On a consideration of the materials now placed on record, this Court is of the view that the matter can be re-looked by the respondent in the light of Ext.P4. Therefore, the matter is remitted back to the respondent for fresh consideration of Ext.P3 application, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. The vacant timings now set by the petitioner shall be considered after ascertaining whether there is any preferential claim or not.

The writ petition is disposed of as above.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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