

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 22470 of 2015 (G)

PETITIONER:

**PRATHEESH JOSE,
THONDIPARAMBIL HOUSE,
ERUMATHALA P.O, ALUVA,
ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER,
ERNAKULAM - 682030.**
- 2. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM,
REPRESENTED BY ITS SECRETARY - 682030.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 22470 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1: TRUE COPY OF THE TIME SHEET.

**P2: TRUE COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DATED 14.07.2015 ON THE ROUTE ALUVA - CHELLANAM
WITH STAGE CARRIAGE KL 32 /3831.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22470 of 2015

Dated this the 13th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to take up Ext.P2 request of the petitioner and allow the deviation of route of the petitioner's stage carriage from Premier Junction through Container Road to High Court Junction and from there to Jose Junction to go to Chellanam and back.

2. The petitioner is a senior regular stage carriage permit holder operating on the route between Aluva and Chellanam via Premier Junction, operating now with stage carriage bearing registration No.KL 32/3831. The petitioner alleges that the timings of this service was last issued in the year 2001, when the permit stood in the name of one M.E.Muhammed Kunju and the permit is transferred to the name of the petitioner and that the petitioner is operating the service with the very same timing. On the portion of the route from Premier Junction to Jose Junction, the work of Metro Rail

is in progress and there is traffic block compelling curtailment the trips. Therefore the petitioner requested that till the Metro Works are completed, the petitioner be allowed to deviate from Premier Junction to Container road and then proceed to High Court Junction to go further as a temporary traffic arrangement, except for the first trip, because the first trip would not be blocked as it is in the early morning. The petitioner further alleges that now the passengers request for refund of fare as there is undue delay in time and non competition of trips in time. Hence he made a request to that effect which need urgent consideration, in the interest of traveling public. It is further alleged that if the petitioner's request is not considered immediately, the service would become inoperative. Ext.P2 request is not considered yet and the petitioner is afraid to operate his service, which ultimately would affect the safety of the public. There is a statutory duty cast upon the respondent authority to consider the above said request. However, the same is not considered. It is with this

background, the petitioner has come up before this court.

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

4. The learned Senior Government Pleader on instructions submitted that the application submitted by the petitioner is not in the proper form.

Therefore, the writ petition is disposed of directing the petitioner to approach the first respondent with a proper request within a period of one week from the date of receipt of a copy of this judgment. In the event of submitting such request, the same shall be considered and orders be passed by the first respondent within a period of three weeks from the date of receipt of the same, after affording the petitioner and the affected parties, if any, an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.