

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22848 of 2015 (E)

PETITIONER(S):

**MUHAMMED NASEER, S/O.ABOOBACKER,
CHARUPARAMBATH HOUSE, K.K. ANGADI,
KOOTILANGADI, MALAPPURAM DISTRICT.**

BY ADV. SRI.SAJU J.VALLYARA.

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, PIN - 676 505.**
- 2. THE STATE TRANSPORT AUTHORITY,
KERALA, REPRESENTED BY ITS SECRETARY,
TRANSPORT COMMISSIONERATE,
THIRUVANANTHAPURAM, PIN - 695 039.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P-1: PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
VIDE ORDER NO.C6/29393/97 DATED 18.12.1997.
- EXT.P-1(A): PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT
VIDE ORDER NO.C6/11736/2014M DATED 06.01.2015.
- EXT.P-2: PHOTOCOPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
VIDE ORDER NO.D3/875/STA/2005 DATED 08.11.2011.
- EXT.P-3: PHOTOCOPY OF THE GUIDELINES ISSUED BY THE TRANSPORT
COMMISSIONER, THIRUVANANTHAPURAM VIDE NO.D3/875/STA/2011
DATED 04.11.2011.
- EXT.P-4: PHOTOCOPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT VIDE
ORDER NO.C6/(D3)/1404/2013/M DATED 25.02.2014.
- EXT.P-5: PHOTOCOPY OF THE OBJECTION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT ON 23.07.2015.
- EXT.P-6: PHOTOCOPY OF THE JUDGEMENT IN WP(C).NO.18771 OF 2015-V
DATED 03.07.2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22848 of 2015

Dated this the 5th day of August, 2015

J U D G M E N T

The petitioner is challenging Ext.P4, revising the timings of the petitioner's service, which, according to the petitioner, was suo moto and in violation of Exts.P2 & P3.

2. The petitioner is conducting alternate services on the route between Mannarkkad and Kozhikode with his stage carriages KL-18-C-2021 and KL-018-ADS-1195 on the basis of Ext.P1(a) timings. By Ext.P2 proceedings, the 2nd respondent has prescribed the running time in respect of stage carriages on the basis of the nature of roads. Now, the 1st respondent in total violation of the guidelines issued as Ext.P3, suo moto revised the timings of the petitioner's service as per Ext.P4, enhancing the existing running time and changing the existing timings resulting in impossibility of the operation of service. According to the petitioner, Ext.P4 is passed even without following the

procedure prescribed under Rule 212 of the Kerala Motor Vehicles Rules as well as the guidelines prescribed in Ext.P3 and also in violation of the principles of natural justice. The petitioner points out that this Court has considered similar matters and set aside the orders similar to Ext.P4. Hence, this writ petition.

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

4. The learned senior Government Pleader, on instructions, submitted that as per Ext.P4, the petitioner was given three months' time to submit his objections. It was further submitted that the petitioner has not submitted any objection within the time specified.

5. In answer to the said argument, the learned counsel for the petitioner submitted that after getting Ext.P4, he has submitted objections.

6. It is true that 3 months' time was given to the petitioner to file his objections. As per Ext.P4 dated 25.02.2014, the timings were suo moto revised. As the

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revision of timings should have been passed after inviting objections and in accordance with law, this Court is of the view that Ext.P4 calls for an interference.

Therefore, the writ petition is allowed. Ext.P4 is quashed. The 1st respondent is directed to reconsider the issue after affording the petitioner an opportunity of being heard in the timing conference 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 writ petition as well as a copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-