

**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. 23607 of 2015 (A)**  
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**PETITIONER:**  
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**SHIBU S.,  
ARAKKACHIRAYIL, CMC 17,  
CHERTHALA.**

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

**RESPONDENTS:**  
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**THE SECRETARY,  
REGIONAL TRANSPORT AUTHORITY,  
OFFICE OF THE REGIONAL TRANSPORT AUTHORITY,  
ALAPPUZHA, PIN-688 001.**

**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.**

WP(C).No. 23607 of 2015 (A)

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

**EXHIBIT P1- TRUE COPY OF THE PRESENT TIME SCHEDULE ISSUED  
ON 04-10-2001.**

**EXHIBIT P2- TRUE COPY OF THE APPLICATION DATED 09-07-2015 FOR REVISION  
OF TIMINGS.**

**EXHIBIT P3- TRUE COPY OF THE PROPOSED TIME SCHEDULE DATED NIL IN  
RESPECT OF VEHICLE KL- 4 J 8885 ON THE ROUTE CHERTHALA-  
MUHAMMA.**

**RESPONDENT'S EXHIBITS:-           NIL.**

**//TRUE COPY//**

**PA. TO JUDGE**

**rs.**

**A.V. RAMAKRISHNA PILLAI, J.**

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W.P.(C) No. 23607 of 2015  
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Dated this the 5<sup>th</sup> day of August, 2015.

**JUDGMENT**

The petitioner is seeking a direction to the respondent to consider Ext.P2 application for revision of his own timings.

2. The petitioner is operating a regular service on the route Cherthala Muhamma with the vehicle KL 4 J 8885 for the last 14 years and the present timings of this service was issued on 4.10.2001. The petitioner alleges that running time allotted to this vehicle is 40 minutes to cover the distance between Muhamma and Cherthala. However, the vehicles which are granted with permits subsequently have been allotted only 35 minutes towards running time and as a result it creates time clash and unhealthy competition endangering the safety of the public. Hence in order to avoid the time clash and competition, the petitioner has submitted Ext.P2 request along with Ext.P3 proposal to allot parity in running time and revision of certain time slots of his own service. The petitioner further

points out that there were revision of timings of permits on the route in question. Apart from the reasons provided in Rule 145(7) of the Kerala Motor Vehicles Rules in the light of the decision of the Division Bench reported in 1992 (2) KLT 883 (Krishnankutty v. John) and 2004 (1) KLT 493 (Joji Edattil v. Secretary RTA), introduction of new service is also a reason for revision of timings. Therefore, the request made by the petitioner has to be allowed; it is alleged. However, the respondent authority is not taking any action on Ext.P2 application and Ext.P3 proposal. Delay in passing orders on Ext.P2 application and Ext.P3 proposal is not justifiable. 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 Government Pleader in the matter.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on

Ext.P2 application, after affording the petitioner and the affected operators an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

**Sd/-**  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

Scl.