

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937**

**WP(C).No. 23731 of 2015 (N)**  
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**PETITIONER :**  
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**RAJEEVAN K.,  
S/O.NANU, PARAPPURATH HOUSE, ERUVATTY P.O.,  
KADIRUR, THALASSERY, KANNUR.**

**BY ADV. SRI.G.PRABHAKARAN**

**RESPONDENT :**  
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**THE SECRETARY  
REGIONAL TRANSPORT AUTHORITY CUM  
REGIONAL TRANSPORT OFFICER  
ERNAKULAM - 682 030.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 23731 of 2015 (N)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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**EXHIBIT P1. COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE  
RESPONDENT DATED 21.7.15 ON THE ROUTE VANNATHIMOOLA -  
THALASSERY WITH STAGE CARRIAGE KL 58K 1828.**

**EXHIBIT P2. COPY OF THE JUDGMENT DATED 29.6.15 IN WP(C) NO. 19377/15.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

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

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W.P.(C) No. 23731 of 2015  
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Dated this the 6<sup>th</sup> day of August, 2015.

**JUDGMENT**

The petitioner is seeking a direction to the respondent to consider the petitioner's request for revision of his own timings.

2. The petitioner is a senior regular stage carriage permit holder operating on the route between Vannathimoola and Thalassery, operating now with stage carriage KL 58/K 1828. The timing of this service was last issued on 14.11.2014. The petitioner alleges that several services have been introduced through this route and also covering major portions of the route. There were also revision of timings and also surrender of permits on this portion of the route. The petitioner points out that as Rule 145 (7) of the Kerala Motor Vehicles Rules coupled with the decision of this Court in case is reported in Krishnankutty v. John (1992 (2) KLT 883) and also in Joji Edattel v. Secretary, RTA (2004 (1) KLT 493), these are

valid grounds for revision of timings. The petitioner therefore filed request to revise the existing timing. The changes have occurred due to the change of circumstances under Rule 145 (7) of the Kerala Motor Vehicle Rules and the request is not disposed of by the Secretary. It is further pointed out that Ext.P1 request is not considered yet and the petitioner is afraid to operate his services due to acute time clash with that of other stage carriage services which ultimately would affect the safety of the public. The petitioner further alleges that since there is a recent notification fixing the rate of running time for single lane roads, the petitioner is amenable for issue of such of timing. There is a statutory duty cast upon the respondent authority to consider the above said request, but the same is not considered. At any circumstances of the matter, the respondent authority ought to have revised the petitioner's own timings with the proposed timings offered by the petitioner by considering Ext.P1, in order to save the lives and safety of the public; it is alleged. 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.

Considering the nature of the prayer and the nature of the submissions, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1, 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.