

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. 23741 of 2015 (P)

PETITIONER :

**ABDULLAKUTTY,
MANALATHVALAPPIL HOUSE, PERUMBILAVU,
THRISSUR.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD- 678 001.**

BY GOVERNMENT 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:**

sts

WP(C).No. 23741 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE PROCEEDINGS ISSUING TIMING TO THE PETITIONER'S SERVICE.

EXHIBIT P2. COPY OF THE REPRESENTATION DATED 24.7.15.

EXHIBIT P3. COPY OF THE JUDGMENT IN WPC.NO.16458/2015 DATED 3/6/2015.

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 23741 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent to consider Ext.P2 representation for the revision of his own timings.

2. The petitioner is the registered owner of a stage carriage bearing registration No.KL-8 AB 9494 replaced with KL-8 Q 4927 covered by regular permit on the route between Pattambi and Guruvayur. The time schedule was initially issued to the petitioner's service as early as in 2002. The petitioner alleges that subsequent to the introduction of the petitioner's service, lot of new services have been introduced. However, in spite of the same, the petitioner stood by his time schedule. After the introduction of the petitioner's service, so many services were introduced including KSRTC on the route and many services surrendered its permit and hence those

timings became vacant. The petitioner intends to make slight changes to the petitioner's service so as to avoid the clash of timings. With this intention, the petitioner submitted a request for revision of timings of his own service. The petitioner further alleges that Rule 145 of the Kerala Motor Vehicles Rules provides for such circumstances and there are decisions in favour of such consideration such as 2004(1) KLT 493. The respondent has not passed any orders on Ext.P2 representation so far; it is alleged.

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

Considering the nature of the reliefs and the nature of the submissions, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P2 representation, 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.