

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 24899 of 2015 (J)

PETITIONER :

**RAMADAS M., AGED 49 YEARS,
S/O. MAHDAVAN EZHUTHAVHAN,
THAZHATHE VEEDU NADAKKAVU,
VITHANASSERY, (VIA) NENMARA,
PALAKKAD DISTRICT - 678508.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS :

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, PALAKKAD -678001.**
- 2. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
THRISSUR - 680001.**
- 3. SUB INSPECTOR OF POLICE,
VADAKKANCHERRY POLICE STATION (MALABAR)
PALAKKAD DISTRICT - 679683.**
- 4. SUB INSPECTOR OF POLICE,
NENMARA POLICE STATION, PALAKKAD DISTRICT - PIN - 678508.**
- 5. JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, ALATHUR - 678541.**
- 6. SHRI ASHOK KUMAR, PRESIDENT,
KERALA STATE PVT. BUS OPERATORS,
COORDINATION COMMITTEE, TRAVELLERS TOWER,
SHAKTHAN STAND, THRISSUR - 680001.**

R1 TO R5 BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO THE PETITIONER VEHICLE NO..KL-17C-5881 ON 29/6/2011.
- P2: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUS NO. KL-NO-8W-3416 OPERATING ON THE ROUTE MEENAKSHIPURAM-THRISSUR - PULLAZHI ON 19/1/2012.
- P3: COPY OF THE TIME SHEET ISSUED BY TE R1 RELATING TO BUS NO. KL-13H-7272 OPERATING ON THE ROUTE GOVINDAPURAM-THRISSUR ON 20-12-1991.
- P4: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUS NO.KL-40A-1847 OPERATING ON THE ROUTE GOVINDAPURAM - THRISSUR ON 24-9-1977.
- P5: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUS NO.KL-8X-1683 OPERATING ON THE ROUTE GOVINDAPURAM-THRISSUR ON 24-09-1977.
- P6: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUS NO.KL-8AA-9393 OPERATING ON THE ROUTE GOVINDAPURAM - THRISSUR ON 3/12/1992.
- P7: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUYS NO. KL-KAZ-7434 OPERATING ON THE ROUTE GOVINDAPURAM - THRISSUR ON 6-04-2009.
- P8: COPY OF THE TIME SHEET ISSUED BY THE R1 RELATING TO BUS NO.KL-11R-5851 OPERATING ON THE ROUTE ELVANCHERRY GOVINDAPURAM - THRISSUR - GURUVAYOOR N 19/76/1993.
- P9: COPY OF THE REPRESENTATION OF DT 12/8/2014.
- P10: COPY OF THE REPRESENTATION DT 29/9/2014 MADE BY TH PETITIONER BEFORE THE R3.
- P11: COPY OF THE REPRESENTATION DT 10/10/2014 MADE BY THE PETITIONER BEFORE THE R5.
- P12: COPY OF THE REQUEST DT 19/12/2009 MADE BY THE SUB INSPECTOR OF POLICE VADAKKANCHERRY.
- P13: COPY OF THE APPLICATION MADE BY THE PETITIONER BEFORE THE R1 ON 6/4/2010 UNDER THE RIGHT TO INFORMATION ACT.
- P14: COPY OF THE INTIMATION GIVEN BY THE R1 TO THE PETITIONER ON 3/5/2010.
- P15: COPY OF THE PROCEEDINGS DT 22/7/2011 ISSUED BY THE R1 RELATING TO BUS NO.KL-17A-565 ON THE ROUTE THRISSUR - GOVINDAPURAM.

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P16: COPY OF THE JUDGMENT DT 2/2/2014 IN WRIT APPEAL NO. 1778/2014.

P17: COPY OF THE PROCEEDINGS DT 31/7/2015 PASSED BY R1 ALLOTING
PASSING TIME TO VARIOUS OPERATORS IN THE SAID ORDER.

P18: COPY OF THE REQUISITION DT 5/8/2015 SUBMITTED BY THE PETITIONER TO
RESPONDENTS 3 TO 5.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 24899 of 2015

Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner is seeking implementation of Ext.P17 proceedings and consideration of Ext.P18 request made before respondents 3 to 5.

2. The petitioner is a stage carriage operator and is the registered owner of a stage carriage bearing Reg.No.KL-17C-5881, which is covered with a regular stage carriage permit to operate on the route between Vadakkancherry and Paliyamangalam via Mudappallur, Chittlamchery, Kadampidi with a settled set of timings issued by the RTA, Palakkad. He is aggrieved by the operation of buses on the routes, Thrissur - Govindapuram, Thrissur - Ozhalapathy, Thrissur - Vandithavalam, Thrissur - Kozhinjampara etc. via Mannuthy, Pattikkad, Vadakkancherry, Mudappallur, nenmara, Kollengode etc. without noting passing timings

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and only mentioning timings of arrival and departure. In view of the non mentioning of passing timings of the buses mentioned above between Kollengode and Thrissur, serious time clash and frequent clash between the crew members of various buses operating between Kollengode and Thrissur occurs, which resulted in the curtailment of service; it is alleged. Under the circumstances, the petitioner made a complaint before the 1st respondent on 12.08.2014 with copy marked to the 2nd respondent seeking issue of time sheets for the buses operating between Govindapuram and Thrissur including the buses mentioned in Exts.P2 to P8, noting the passing timings of the said buses at the intermediate points at Kollengode, Nenmara and Vadakkancherry. Under the circumstances, the petitioner, being aggrieved by the non consideration of Ext.P9 representation made before the 1st respondent, had preferred WP(C) No.30302/2014, which was dismissed; and thereafter, preferred WA No.1778/2014, wherein a direction was issued to the respondents 1 & 2

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to consider Ext.P9 within a time frame. Accordingly, the 1st respondent has issued Ext.P17 proceedings, which is not complied with by the respective operators, against which Ext.P18 request was made before respondents 3 to 5, which also is not considered so far. Hence, this writ petition.

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

In the light of the submissions, there shall be a direction to the respondents 3 to 5 to implement Ext.P17 proceedings and to consider Ext.P18 request within a period of three weeks 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 judgment as well as a copy of this writ petition before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-