

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25646 of 2015 (E)

PETITIONER :

**N.C.THOMAS,
NARIMATTATHIL HOUSE, ARUVIKUZHYP.O.,
KOTTAYAM.**

BY ADV. SRI.I.DINESH MENON

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM-686 003**
- 2. M.M.ABRAHAM, CHENNIKKARA,
SHIBU VILLA, AREEPARAMBU.P.O.,
KOTTAYAM-686 501**

R1 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.25646/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE TIMINGS ISSUED TO PETITIONER.**
- P2 COPY OF THE PROCEEDINGS ISSUING TIMINGS TO THE 2ND RESPONDENT'S SERVICE DATED 17/4/2015.**
- P3 COPY OF THE COMPLAINT DATED 30/7/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.25646 of 2015

Dated this the 20th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the respondent to consider Ext.P3 complaint against the timings granted to the second respondent.

2. The petitioner is a stage carriage permit holder on the route Pallickathode - University in respect of stage carriage bearing registration No.KL-5 AA 6636. The petitioner is operating strictly in terms with the permit and time schedule issued to him. The petitioner alleges that the second respondent who is an operator on the route Pallickathode - Kottayam with stage carriage bearing registration NO.KL-5 W 4460 which is a route almost identical to that of the petitioner's service, is operating on the route on his choice. The grievance of the petitioner is that the available time gap on the route in question is 10 minutes, whereas by the change of timings of the second respondent's service, the gap of the

petitioner's service is cut short. This has made great hardships to the petitioner and he preferred W.P.(C) No.20721/2015 before this Court as the second respondent did not keep his time schedule. However, in spite of the specific directions, the time schedule is not being adhered by the second respondent. Hence the petitioner is constraint to seek for avoiding the clash of timing as well as that of the second respondent's service by providing sufficient time gap between the service; it is alleged. The petitioner had preferred a request before the first respondent for the said purpose and in spite of repeated request, the Secretary, RTA, Kottayam has not raised a single finger to the issue. 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 first respondent to consider and pass appropriate orders on

Ext.P3 complaint, after affording the petitioner and the second respondent, 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 first respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.