

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. 25667 of 2015 (G)

PETITIONER(S):

**G.SHAJI, S/O.GOPINATHAN,
POIKAVILA VEEDU, MEENAMBALAM,
PUTHENKULAM P.O., KOLLAM.**

BY ADV. SRI.G.HARIHARAN

RESPONDENT(S):

- 1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL), ATTINGAL-695101.**
- 2. B. HARIDAS, ATHIRA, CHEMBAKASSERY,
THATTATHUMoola P.O., KILIMANOOR-695001.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEEJATHA

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

PJ

WP(C).No. 25667 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE PERMIT

P2: COPY OF THE PROCEEDINGS DT.20/6/14

P3: COPY OF THE OBJECTION DATED 15/7/14 SUBMITTED BY THE PETITIONER

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25667 of 2015

Dated this the 20th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the first respondent to consider Ext.P3 objection for revision of his own timings.

2. The petitioner alleges that on the basis of the revision of timings, the second respondent is granted with 10 minutes halting time at Kilimanoor and he is proceeding just ahead of the petitioner's service from Kilimanoor. Before revising the time, the first respondent ought to have considered the fact that whether there is any changed circumstances warranting revision of timing. This aspect was not considered by the first respondent and hence Ext.P2 is faulty. The petitioner further alleges that the first respondent ought to have applied his mind and revision the timing only when there is warranting circumstances for revision of time envisaged in Rule 145 (7) of the Kerala Motor Vehicles Rules.

Instead of doing so, the first respondent revised the timings and allotted halting time of 10 minutes at Kilimanoor without complying the correct law applicable in the case. This court in Krishnankutty v. John [1992 (2) KLT 883] specifically held that only when there are changed circumstances arose subsequent to the allotment of timings to the operator, revision of timing can be effected. The petitioner submitted Ext.P3 objection. However, no action has been taken by the first respondent; it is alleged.

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, after affording the petitioner and the second respondent, who is an affected operator, 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.