

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. 25684 of 2015 (I)

PETITIONER :

**ASWATHY KUMAR, S/O.CHANDRASENAN,
KAMALALAYAM, CHATHAMPARA, THOTTAKKADU.P.O.,
TRIVANDRUM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM-691 001**
- 2. MURALEEDHARAN NAIR,
PULLUVILA VEEDU, KURUMANDAL,
PARAVOOR, KOLLAM-691 001.**

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.25684/2015

APPENDIX

PETITIONER'S EXHIBITS:

P1 COPY OF THE PROCEEDINGS DATED 26/8/2014.

P2 COPY OF THE OBJECTION DATED 26/8/2014 SUBMITTED BY THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.25684 of 2015

Dated this the 20th day of August, 2015.

JUDGMENT

The petitioner is seeking a direction to the first respondent to consider Ext.P2 objection for revision of her own timings.

2. The petitioner alleges that on the basis of the revision of timings, the second respondent is granted with 16 minutes whereas the time gap available to the petitioner has been reduced to 19 minutes. He further alleges that 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.P1 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 16 minutes to the second respondent's service whereas the time gap available to the petitioner was reduced to 19 minutes without complying with 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 subsequent to the allotment of timings to the operator, revision of timing can be effected. The petitioner submitted Ext.P2 objection. However, no action has been taken by the first respondent on Ext.P2; 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.P2, 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.