

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. 25723 of 2015 (M)

PETITIONER :

**K.NIRMALA,W/O.E.DAMODARAN,
SANNIDHAN, PORKODE, KOOTHUPARAMBA,
THALASSERY, KANNUR.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM REGIONAL
TRANSPORT OFFICER, KANNUR-670 002**

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:**

sts

WP(C).NO.25723/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE
RESPONDENT DATED 29/7/2015 ON THE ROUTE PAYYANNUR-KANNUR
KOZHIKODE, WITH STAGE CARRIAGE KL 58/L 189.**
- P2 COPY OF THE TIMING**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.25723 of 2015

Dated this the 21st day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the respondent to consider the petitioner's request for revision of timings.

2. The petitioner is a senior regular carriage permit holder operating on the route Payyannur-Kannur-Kozhikode, with stage carriage KL 58/L 189. Several services have been introduced through this route and also covering major portions of the route. There were also revision of timings and also surrender of permits on this portion of the route. As per Rule 145(7) of Kerala Motor Vehicles Rules coupled with the decisions of this Court in Krishnankutty Vs. John (1992(2)KLT 883) and also in Jojo Edattel Vs. Secretary, RTA, (2004(1) KLT 493), these all are the grounds, praying for revision of timings. The petitioner therefore filed request to revise the existing timing. The changes have

occurred due to the change of circumstances under Rule 145 (7) of the Kerala Motor Vehicle Rules and the request was not disposed of by the Secretary. Ext.P1 request was not considered so far and the petitioner is afraid to operate his services due to acute time clash with that of other stage carriage service which ultimately will affect the safety of the public. Since there is a recent notification fixing the rate of running time for single lane roads, different than that of the double lane road etc. the petitioner is amenable for issuance of such rate of timing and Ext.P1 is for the grant of certain particular timings only. The above request was not considered by the respondent authority though they are bound to ; it is alleged. It is with this backdrop, the petitioner has approached this Court.

3. I have heard the learned counsel for the petitioner, the learned Standing counsel for the respondent authority and the learned Government Pleader in the matter.

Considering the nature of reliefs sought for and the submissions made, this writ petition is disposed of directing the respondent to consider and pass orders on Ext.P1 request within a period of one month of receipt of copy of this judgment, after affording the petitioner as well as the affected parties, if any, an opportunity of being heard.

To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as a copy of this judgment before the respondent.

Sd/-

A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge