

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. 25734 of 2015 (N)

PETITIONER :

**P.K.SUGATHAN,
KALAPPURACKAL HOUSE, KUNDANOOR,
MARADU.P.O., ERNAKULAM.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY CUM
REGIONAL TRANSPORT OFFICER, ERNAKULAM-682 030**

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.25734/2015

APPENDIX

PETITIONER'S EXHIBITS:

**P1 COPY OF THE REQUEST FILED BY THE PETITIONER BEFORE THE
RESPONDENT DATED 12/8/2015 ON THE ROUTE PERUMBALAM-EDAPPALLY
RAILWAY GATE, WITH STAGE CARRIAGE KL 7/BA 1044.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.25734 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 authority to consider and pass orders on Ext.P1 request for allowing revision of own timings in respect of petitioner's vehicle bearing No.KL-7/BA 1044 operating in the route Perumbalam - Edappally Railway gate.

2. The petitioner is operating a regular services on the above route. According to the petitioner, 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 decision 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 is not disposed of by the Secretary. It is submitted that Ext.P1 request is not considered yet and the petitioner is afraid to operate his services due to acute time clash with that of other stage carriage service which ultimately would 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 issue of such rate of timing. However, Ext.P1 is for the grant of certain particular timings only. The respondent authority ought to have revised the petitioner's own timings with the proposed timings offered by the petitioner by considering Ext.P1, in order to save the lives and safety of the public ; it is alleged. It is with this background the petitioner approached this Court.

3. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondent and the learned Government Pleader.

Considering the reliefs sought for and the submissions made, this writ petition is disposed of directing the respondent to consider and pass orders on Ext.P1 representation 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