

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. 25954 of 2015 (T)

PETITIONER :

**M.S.RAJAN,
SYAM NIVAS, PULIMATH,
KILIMANOOR.**

BY ADV. SRI.G.HARIHARAN

RESPONDENT(S):

- 1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOLLAM-691 001**
- 2. RAVEENDRAN NAIR,
KADAKKALAMMA STORES, KADAKKAL,
KOLLAM-691 001**

R1 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

WPC.NO.25954/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REQUEST SUBMITTED BY THE 2ND RESPONDENT**
- P2 COPY OF THE PROCEEDINGS DATED 3/6/2014.**
- P3 COPY OF THE OBJECTION DATED 30/5/14 SUBMITTED BY THE PETITIONER.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J

WPC No.25954 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner is seeking a direction from this Court to the first respondent to revise the petitioner's own timings.

2. According to the petitioner, on the basis of the revision of timings, the second respondent is granted with more than 25 minutes holding 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 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; it is alleged. The first respondent ought to have applied his mind and revised the timing only when there is warranting circumstances for revision of timing envisaged in

Rule 145(7) of the Kerala Motor Vehicle Rules. Instead of doing so, the first respondent revised the timings and allotted halting time of 10 minutes at Kilimanoor without complying with the correct law applicable in the case.

3. 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. This position is reiterated in **Joji Edattel v RTA** (2004(1) KLT 492). Though the petitioner submitted Ext.P3 objection, no action has been taken by the first respondent on Ext.P3 till now. It is with this background, the petitioner has come up before this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of submission and the nature of relief sought for, this writ petition is

disposed of directing the first respondent to consider and pass orders on Ext.P3 application for revision of timings, after affording the petitioner, the second respondent and any other affected operators an opportunity of being heard, within a period of one month.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

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true copy

P.S.TO JUDGE