

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 28845 of 2015 (E)

PETITIONER:

ABDUL KAREEM, AGED 54 YEARS,
S/O.MUHAMMED, CHOLAPARAMBIL HOUSE,
ALIPARAMBA, ODAMALA P.O., VALAMKULAM,
PERINTHALMANNA.

BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE REGULAR PERMIT IN RESPECT OF STAGE CARRIAGE KL 53-2772 IN THE NAME OF THE PETITIONER.
- EXHIBIT P2 : TRUE COPY OF THE ORDER NO.G2/14742/1997 DT.31-12-1997 BY WHICH THE TIMINGS OF THE PETITIONER WERE REVISED.
- EXHIBIT P3 : TRUE COPY OF THE PROCEEDINGS OF THE R1 DT.17-2-2011.
- EXHIBIT P4 : TRUE COPY OF THE JUDGMENT DT.21-11-2014 IN WPC 2844/2013.
- EXHIBIT P5 : TRUE COPY OF THE ORDER NO.C5/D3/2086/2013 M) DT.20-1-2015 ISSUED BY R1.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 5th day of October, 2015

JUDGMENT

The Government Pleader on instructions submits that the petitioner was served with a copy of Ext.P5 order dated 20.01.2015 fixing the timings tentatively. Its operative part reads thus:

“The below fresh timings in accordance with STA order no.D3/875/2005/STA dated 08.11.2011 will come into force with effect from 25.02.2014 and objections if any against the timings can be filed by the concerned to the under signed within a period of 03 months.”

The petitioner was therefore at liberty to file an objection to the timings proposed within a period of three months. The petitioner did not avail that opportunity and more than eight months have elapsed since then. There is no proper explanation for the delay in filing this writ petition.

2. The petitioner has a case that the timings proposed militates against the circular issued by the State Transport Authority (D3 circular). D3 circular can only be implemented in

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places and cannot be implemented on all a sudden one fine morning. The practical difficulty in changing the timings of the services in various sectors has to be borne in mind. The petitioner has a case that the timing now fixed militates against the said circular dated 08.11.2011. Nothing disables the petitioner from filing a revision petition under Section 90 of the Motor Vehicles Act before the State Transport Appellate Tribunal.

3. I however permit the petitioner to apply for revision of timings to the respondent within a period of one month from today. Any motion made in that regard by the petitioner shall be dealt with as per law without delay.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd