

(2011) 01 KL CK 0063

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 33173 of 2010 (V)

Sasikumar K.K

APPELLANT

Vs

The Secretary

RESPONDENT

Date of Decision : 12-01-2011

Acts Referred:

Citation : (2011) 01 KL CK 0063

Hon'ble Judges : P.N.Ravindran, J

Bench : Single Bench

Advocate : Dinesh Menon, for the Appellant; Government Pleader, for the Respondent

Judgement

P.N.Ravindran, J.—The Petitioner is a stage carriage operator operating the stage carriage bus bearing registration No. KL-4 P 6670 on the route Kodungallur-Ernakulam South. It is stated that another operator is operating the stage carriage bus bearing registration No. KL-7 AG 4047 on a portion of the said route, Panangad - Cheranallur. The Petitioner's grievance is that the said operator is not adhering to the time schedule which was fixed on 30.10.2008. The Petitioner has setting out this fact submitted Ext.P4 representation to the Regional Transport Authority, Ernakulam, requesting that authority to take against the said operator for non-operation of stage carriage in accordance with the time schedule. In this writ petition, the Petitioner seeks an expeditious disposal of the said representation.

2. A statement dated 20.10.2010 has been filed on behalf of the Respondent wherein it is stated that the attempt of the Petitioner is to challenge the time schedule in respect of the stage carriage bus bearing registration No. KL-7 AG 4047 and that if the Petitioner is aggrieved, he can take steps to revise his own timings. It is evident from the statement filed on behalf of the Respondent that the Respondent has not correctly understood the grievance voiced by W.P.(C) No. 33173 of 2010 the Petitioner in Ext.P4. The grievance set out in Ext.P4 is that the stage carriage operator who is operating the bus bearing registration No.

KL-7 AG 4047 is not operating the stage carriage in accordance with the time schedule, thereby leading to constant clashes between the employees. Under the provisions of the Motor Vehicles Act and the Kerala Motor Vehicles Rules, in such situations, the Respondent is competent to take appropriate remedial measures. In such circumstances, I am of the opinion that the Respondent should enquire into the complaint set out by the Petitioner and take appropriate action in accordance with law.

3. I accordingly dispose of the writ petition with a direction to the Respondent to enquire into the complaint set out by the Petitioner in Ext.P4 and take an appropriate decision thereon with notice to the Petitioner and the operator of the stage carriage mentioned therein expeditiously and in any event, within two weeks from the date on which the Petitioner produces a certified copy of this judgment before the Respondent.