

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WA.No. 1718 of 2010 () IN WP(C).27538/2009

AGAINST THE ORDER/JUDGMENT IN WP(C) 27538/2009 of HIGH COURT
OF KERALA DATED 30-06-2010

APPELLANT(S)/PETITIONER:

K.D.BABY, S/O.DEVASSY,
KOLENCHERRY HOUSE, EDANAD KARA, SREEMOOLANAGARAM PO
CHOWARA VILLAGE, ALUVA TALUK.

BY ADVS.SRI.C.DILIP
SRI.K.C.KIRAN

RESPONDENT(S)/RESPONDENT:

1. KOCHI INTERNATIONAL AIRPORT AUTHORITY
REPRESENTED BY ITS PRESIDENT, NEDUMBASSERY
ERNAKULAM DISTRICT, PIN - 683 535.
2. AIRPORT TAXI DRIVERS'SOCIETY,
REPRESENTED BY ITS SECRETARY
KOCHI INTERNATIONAL AIRPORT AUTHORITY,
NEDUMBASSERY
ERNAKULAM DISTRICT, PIN - 683 535.

R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R1 BY ADV. SRI.P.GOPINATH
R1 BY ADV. SRI.P.BENNY THOMAS
R1 BY ADV. SRI.K.JOHN MATHAI
R1 BY ADV. SRI.JOSON MANAVALAN
R1 BY ADV. SRI.KURRYAN THOMAS
R BY SMT.T.N.GIRIJA, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
W.A.No.1718 of 2010
.....

Dated this the 3rd day of August, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant and the learned standing counsel for the first respondent.

- 2.Appellant is one whose land was acquired along with other items for the purpose of the first respondent, Kochi International Airport Authority. It appears that there was an arrangement whereby those who possess driving licence were permitted to ply taxies on becoming members of the Airport Taxi Drivers' Society, who is the second respondent herein. At that time, the appellant did not possess a licence and, therefore, he executed Ext.R1(a) by which he relinquished his eligibility to ply taxi to his brother. It appears that, with the passage of time, for whatever be the reason, the appellant took the stand that he should be given back

his eligibility to ply taxi, since he has purchased a new vehicle utilising Bank loan and he has driving licence by now. He also indicates that his brother does not own a car and is, therefore, not eligible to continue under the new guidelines of the Airport Authority.

3. The learned single Judge has found that Ext.R1(a) having been executed as a relinquishment, nothing more survives for consideration. We are of the view that individual problems of this nature ought not to gain attention in the domain of management of the Airports, since all such arrangements are one time facilities. When offer was made to operate taxi if one had driving licence and that offer could not be utilised, the appropriate way for the appellant at that point of time was to enter into a transaction by which such right was relinquished in favour of his brother. That is a one time act, which has attained finality by itself coming into being. The appellant cannot later on turn round to have such relinquishment re-opened. We do not, therefore,

find any ground to interfere with the judgment of the learned single Judge. This intra-court appeal, therefore fails.

In the result, this appeal is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)