

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 2459 of 2014 (F)

PETITIONERS/PETITIONER:

MATHEW C MATHEW, AGED 65 YEARS
S/O.MATHEW, CHIRAYIL HOUSE, BERNARD JUNCTION
KALAVOOR, ALAPPUZHA-688522.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.P.A.ISMAIL
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY
MOTOR VEHICLES DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. THE DISTRICT COLLECTOR, CIVIL STATION, ALAPPUZHA,
(CHAIRMAN
THE REGIONAL TRANSPORT AUTHORITY), ALAPPUZHA-688001.
- 3 . THE SUPERINTENDENT OF POLICE, ALAPPUZHA-688001.
4. THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, ALAPPUZHA-688001.
5. THE CIRCLE INSPECTOR OF POLICE,
MARARIKULAM, MARARIKULAM POLICE STATION-688522.
6. THE SUB INSPECTOR OF POLICE, MANNAMCHERY,
MANNAMCHERY POLICE STATION 688 522

7. THE MARARIKULAM SOUTH GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MARARIKULAM
ALAPPUZHA DISTRICT-688522.
8. THE AUTORICKSHAW THOZHILALI SAMYUKTHA TRADE UNION,
REPRESENTED BY ITS CONVENOR, SANAL, S/O.JOY
ARATTUKULANGARA,
KATTUR.P.O, KALAVOOR VILLAGE, ALAPPUZHA DISTRICT-689522.

R1-R6 BY GOVERNMENT PLEADER SRI BIJU MEENATTOOR
R8 BY ADV. SRI.B.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2459 of 2014 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE COMPLAINT DTD.27/12/2013.

EXT.P2 TRUE COPY OF THE COMPLAINT DTD.30.12.2013

EXT.P3 TRUE COPY OF THE COMPLAINT DTD.NIL.

EXT.P4 TRUE COPY OF COMPLAINT DTD.07.01.2014

EXT.P5 TRUE COPY OF COMPLAINT DTD.08.01.2014.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No.2459 of 2014

Dated this the 19th day of March, 2015

J U D G M E N T

The petitioner is aggrieved with the parking of the members of the 8th respondent in front of his house. The 8th respondent alleges that the said property has already been alienated by the petitioner. However, the petitioner contends that he is still residing therein and he has not sold the entire property. In any event, this Court is not concerned with the title of the property. The issue raised is the parking of the autorickshaws by the members of the 8th respondent Union at Barnad junction (Panchayat area) within the Mararikulam South Grama Panchayat the 7th respondent herein. There is no appearance for the Panchayat.

2. I have heard the learned counsel for the petitioner and the 8th respondent, who vociferously argued for their respective parties. The learned Government Pleader, however, demolishes the 8th respondent's arguments insofar as stating, on instruction, that there is no parking place authorised at the Barnad Junction and it is not one which is duly sanctioned by the RTA or the Local Self Government Institution.

3. It is to be noticed that the 8th respondent claims that all its members are issued with permit with a parking place at Barnad Junction and one of such permit is produced at Ext.R8(a). It is also contended that the Panchayat has taken a decision to permit the parking place at Barnad Junction. The decision is not placed on record. All these conflicting claims are to be addressed by the RTA, Alappuzha.

4. The petitioner and the 8th respondent shall appear before the RTA on 17.04.2015. The RTA shall give a specific date of hearing and also get the report of the Local Self Government Institution as also the Police authority having control over the traffic in the area and take a decision within a period of three months from the date of production of the certified copy of this judgement. All autorickshaws who have been granted with Barnad Junction as parking place shall be permitted to carry on their operations from the said parking place till a decision is taken by the RTA. If at all the RTA decides not to continue the parking place at Barnad Junction, then necessarily, the RTA would have to consult with the Local Self Government Institution to decide on an alternate parking area where the petitioners would have to be accommodated.

The writ petition is disposed of. The parking as present will be continued till a decision is taken by the RTA, and thereafter the parties are to abide by the said decision. The 8th respondent would ensure that they park their vehicles without obstruction to the petitioner.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge