

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 2511 of 2014 (L)

PETITIONER(S) :

**C.H.HAJAHUSSAIN,
S/O.MUHAMMED KOYA, CHAMAYAM, KILTAN ISLAND,
UNION TERRITORY OF LAKSHADWEEP, PIN-682 558.**

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENT(S) :

- 1. THE UNION OF INDIA,
REPRESENTED BY ITS JOINT SECRETARY (U.T.),
MINISTRY OF HOME AFFAIRS, NORTH BLOCK,
NEW DELHI-110 001.**
- 2. THE UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ITS ADMINISTRATOR, KAVARATTI,
U.T.OF LAKSHADWEEP-682 555.**
- 3. THE LAKSHADWEEP SOCIETY FOR PROMOTION OF RECREATIONAL
TOURISM AND SPORTS (SPORTS),
REPRESENTED BY ITS MANAGING DIRECTOR,
KAVARATTI-682 555.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 & R3 BY ADV.SRI.S.RADHAKRISHNAN, S.C**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1:** TRUE COPY OF THE LETTER DATED 10.07.1998 OF THE ADMINISTRATOR, LAKSHADWEEP ADMINISTRATOR, TO THE SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF SURFACE TRANSPORT, NEW DELHI.
- EXT.P2:** TRUE COPY OF OFFICE MEMORANDUM DATED 06/01/1999 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3:** TRUE COPY OF LETTER DATED 22.05.2000 OF K.CHERIYAKOYA, MEMBER OF VILLAGE PANCHAYAT, AGATTI ISLAND, ADDRESSED A LETTER TO THE CHAIRMAN AND MEMBERS OF THE COMMITTEE FOR PREPARATION OF PERSPECTIVE PLAN FOR SHIPPING REQUIREMENT OF UNION TERRITORY OF LAKSHADWEEP.
- EXT.P4:** TRUE COPY LETTER DATED 30.01.2001 OF THE PORT OFFICER OF THE 2ND RESPONDENT TO THE ASSISTANT DIRECTOR(PLANNING) SECRETARIAT, KAVARATTI.
- EXT.P5:** TRUE COPY OF THE SCHEDULE OF PASSENGER SHIPS FOR THE PERIOD FROM 1ST OCTOBER 2013 TO 25TH MAY 2014 ISSUED BY THE 2ND RESPONDENT.
- EXT.P6:** TRUE COPY OF LETTER DATED 11.08.2013 OF MR.K.DOM MANIKFAN, TO THE HONOURABLE MINISTER OF HOME AFFAIRS, GOVERNMENT OF INDIA.
- EXT.P7:** TRUE COPY OF LETTER DATED 31.08.2013 OF THE PETITIONER TO THE DIRECTOR, PORT SHIPPING AND AVIATION, U T OF LAKSHADWEEP.
- EXT.P8:** TRUE COPY LETTER DATED 14.01.2007 OF THE PETITIONER TO SHRI.SELVARAJ IAS, HONOURABLE ADMINISTRATOR, AND U T OF LAKSHADWEEP.
- EXT.P9:** TRUE COPY OF THE MESSAGE THROUGH FAX TO THE 2ND RESPONDENT AND THE DIRECTOR OF PORT SHIPPING AND AVIATION, KAVARATTI BY SMT.K.K.HAIRUNNISA, CHAIRPERSON, VILLAGE (DWEET) PANCHAYAT AMINI.
- EXT.P10(A):** TRUE COPY OF THE NEWS PAPER CUTTING IN THE MALAYALA MANORAMA DAILY DATED 23.05.2014.
- EXT.P10(B):** TRUE COPY OF THE NEWS PAPER CUTTING IN THE MADHYAMAM DATED DATED 24.05.2014.
- EXT.P10(C):** TRUE COPY OF THE NEWS PAPER CUTTING IN THE NEW INDIAN EXPRESS DAILY DATED 24.05.2014.

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- EXT.P10(D): TRUE COPY OF THE NEWS PAPER CUTTING IN THE MALAYALA MANORAMA DAILY DATED 24.05.2014.**
- EXT.P10(E): TRUE COPY OF THE NEWS PAPER CUTTINGS IN THE NEW INDIAN EXPRESS DAILY DATED 31.05.2014.**
- EXT.P11: TRUE COPY OF THE SEAT AVAILABILITY (POINT TO POINT) DATED 08.06.2014 FOR NEXT 2 MONTHS.**
- EXT.P12: TRUE COPY OF THE LETTER F.NO.1/4/2013-VDP (KTN) DATED 23.08.2014 OF THE CHAIRPERSON OF VILLAGE/DWEEP/ PANCHAYAT, KILTHAN ISLAND TO THE DIRECTOR BOARD AND SHOPPING AVIATION.**
- EXT.P13: TRUE COPY OF THE MESSAGE THOROUGH E-MAIL OF VICE PRESIDENT (STATE NCP) AND CHAIRMAN CITIZEN'S COUNSEL CHETLAT DATED 25.06.2014 ADDRESSED TO THE MR.MOHAMMED FAISAL. MEMBER OF PARLIAMENT, CAMP-MINICOY.**
- EXT.P14: TRUE COPY OF STATEMENT IN TABULAR FORM SHOWING THE SHIP SCHEDULES FROM KOCHI TO LAKSHADWEEP AND BACK.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 2511 of 2014

Dated this the 23rd day of July, 2015

J U D G M E N T

The petitioner was aggrieved with the manner in which the transportation between the main land and island were carried on by the Administration. The petitioner is a resident of Lakshadweep Island. The Administrator has now filed a statement in which Paragraph 3 is extracted hereunder:-

“It is submitted that the ship schedule is now finalised in consultation with the Transport committee. Administrator, Union Territory of Lakshadweep has constituted a committee with following members to advice Department of Port Shipping and Aviation (PS&A) by notification F.No. 13/12/2003-PORT(OPI) PART dated 01.07.2010.

- | | | |
|--|---|----------|
| 1. The Secretary (Port, Shipping & Aviation) | - | Chairman |
| 2. Member of Parliament, Lakshadweep | - | Member |
| 3. Director (Food & Civil Supplies) | - | Member |
| 4. Executive Engineer (Electricity) | - | Member |
| 5. Superintending Engineer (PWD) | - | Member |
| 6. Director (General Administration and Protocol | - | Member |
| 7. Director of Panchayat | - | Member |

- | | | |
|---|---|----------|
| 8. President (INC) | - | Member |
| 9. President (NCP) | - | Member |
| 10. Director (Port Shipping & Aviation) | - | Convener |

The ship schedule of all passenger ships is approved by the above

Transport Committee.”

In such circumstance, writ petition is disposed of recording the submission that the scheduling shall be done in accordance with the decisions of the committee.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge