

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 4442 of 2015 (E)

PETITIONER(S) :-

CARZONERENT (INDIA) PVT. LTD.
NO.1 RAGHAVENDRA ROAD, CHITTLAPAKKAM
NEAR INDIAN BANK BUILDING, CHENNAI-600 064
REPRESENTED BY ITS REGIONAL MANAGER.

BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH

RESPONDENT(S) :-

1. THE STATE OF KERALA
REPRESENTED BY ITS HOME SECRETARY, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM - 695 001.
 2. THE ASSISTANT COMMISSIONER OF POLICE,
VALIYATHURA, THIRUVANANTHAPURAM -695 001.
 3. THE CIRCLE INSPECTOR,
POONTHURA, THIRUVANANTHAPURAM - 695 001.
 4. THE SUB INSPECTOR OF POLICE,
VALIYATHURA POLICE STATION, THIRUVANANTHAPURAM - 695 001.
 5. THE COMMANDANT (DELETED)
CENTRAL INDUSTRIAL SECURITY FORCE, CISF UNIT
TRIVANDRUM AIRPORT, THIRUVANANTHAPURAM - 695 001.
- THE 5TH RESPONDENT IS DELETED FROM THE PARTY ARRAY AS
PER ORDER DATED 10.7.2015 IN I.A.2693/15.
6. AIRPORT TAXI DRIVERS AND CLEANERS ASSOCIATION
NEAR THIRUVANANTHAPURAM AIR PORT, SHANGUMUGHAM
TRIVANDRUM - 695 007, REPRESENTED BY ITS SECRETARY.

7. AIRPORT TAXI DRIVERS AND CLEANERS CONGRESS,
REG. NO. 68/88, T.C NO. 35/848
NEAR THIRUVANANTHAPURAM AIR PORT
THIRUVANANTHAPURAM -695 008 REPRESENTED BY ITS SECRETARY.
8. THIRUVANANTHAPURAM AIRPORT TAXI DRIVERS
WELFARE ASSOCIATION, REG. NO. 75/79, T.C 37/997
PERUMTHANNI, ADJACENT VAYALIL HOTEL, CHACKAI
THIRUVANANTHAPURAM - 695008
REPRESENTED BY ITS SECRETARY.
9. TRIVANDRUM AIRPORT TAXI AND
TOURIST TAXI EMPLOYEES UNION, REG. NO. 189/79
SULAIMAN STREET, VALLAKADAVU P.O.
THIRUVANANTHAPURAM - 695008
REPRESENTED BY ITS SECRETARY.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

R8 BY ADV. SRI.SUMAN CHAKRAVARTHY

SMT.K.R.RIJA

SMT.BREJITHA UNNIKRISHNAN

R6 & R7 BY ADV. SRI.GOPAKUMAR R.THALIYAL

SRI.R.B.RAJESH

R9 BY ADV. SRI.ZAKEER HUSAIN M.K.

SRI.THIRUMALA P.K.MANI

R1 TO R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-08-2015 ALONG WITH W.P.(C)No.14668/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1-TRUE COPY OF THE LICENCE AGREEMENT DATED 13/11/2014.

EXHIBIT-P2-TRUE COPY OF THE REPRESENTATION, BEING LAST IN THE SERIES, MADE TO THE 2ND RESPONDENT.

EXHIBIT-P3-TRUE COPY OF THE LAST REPRESENTATION, IN THE SERIES, MADE TO THE 5TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :-

EXT.R[8]A :- TRUE COPY OF THE MEMORANDUM OF SETTLEMENT DTD 15/11/1988.

EXT.R[8]B :- TRUE COPY OF THE LETTER OF THE AIRPORT AUTHORITY OF INDIA DATED 4/6/2010.

EXT.R[8]C :- TRUE COPY OF THE MEMORANDUM OF UNDERSTANDING DATED 20/7/2010.

EXT.R[8]D :- TRUE COPY OF THE LETTER DATED 30/1/15 ALONG WITH THE SELECTION CRITERIA.

EXT.R6(a) :- TRUE COPY OF THE REPORT PUBLISHED IN THE HINDU NEWSPAPER DAILY DATED 09.12.2014.

//TRUE COPY//

P.A. TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) Nos. 4442 and 14668 OF 2015

Dated this the 6th day of August, 2015

JUDGMENT

Shaffique, J.

Common issues arise for consideration in these two writ petitions, which are filed seeking police protection. W.P.(C) No.14668 of 2015 is filed by the Airport Authority of India and W.P.(C) No. 4442 of 2015 is filed by M/s. Carzonrent (India) Private Limited, a company which has entered into an agreement with Airport Authority for providing taxi services in the International and Domestic Terminals at Thiruvananthapuram Airport.

2. It is submitted that by virtue of the license agreement dated 13.11.2014 with the Airport Authority of India, the Carsonrent (India) has right to operate Car Rental/Maxi Car Service at Domestic and International Terminals to provide amenities and facilities to the passengers on certain terms and conditions which *inter alia* includes payment of security deposit, license fee as well as royalty amount.

3. The complaint in both the writ petitions is that the existing taxi operators are creating obstruction in the functioning of the car rental services offered by the petitioner in W.P.(C) No.4442 of 2015. It is stated that the prepaid taxi service is being operated at the instance of various Unions and by virtue of an arrangement entered into between the said Unions it is functioning under the control and guidance of the District Administration. It is stated that counters have been provided for prepaid taxi services in the International as well as Domestic Terminals and separate space has been provided for parking all prepaid taxis. Similarly, space had been provided to the Carzonrent (India) Private Limited. However, it is submitted that in the guise that they may loose business, respondents 6 to 9 are preventing the new license holder from bringing their vehicles in the Airport premises.

4. Learned counsel for the petitioner in W.P.(C) No.4442 of 2015 would submit that despite remitting security deposit and monthly fee, they were unable to operate on a single day inside the Airport as they are prevented from bringing vehicles inside the Airport.

5. Counter affidavit has been filed by private respondent Unions which are operating prepaid taxi services. According to them, they have not created any obstruction in the functioning of any other operators much less the Carzonrent (India) Private Limited. According to them, they are only involved in their business and false allegations are being made against them. They submit that the new licensee, i.e. Carzonrent (India) Private Limited, does not have sufficient vehicles to offer and this is only a dubious method and collusive attempt on the part of Airport Authority and M/s.Carzonrent (India) Private Limited to avoid the terms of contract. According to them, they have no intention to obstruct the said private company from operating their vehicles.

6. Learned Government Pleader on instructions would submit that initially a crime has been registered by which obstruction has been created and the said crime is under investigation. After the interim order was passed by this Court, no untoward incident has been reported. The police are ready and willing to give necessary assistance as and when called for.

7. Having regard to the aforesaid factual issues we are of the view that, since the Airport Authority has given the license to the petitioner in W.P.(C) No.4442 of 2015 for operating car services and parking cars inside the Airport premises, the private respondents nor any other person has any right to physically obstruct the same. If at all there is any such obstruction from the side of private respondents or any other person, on the complaint of the Airport Authority of India or M/s. Carzonrent (India) Private Limited, Police shall ensure maintenance of law and order and shall remove such obstruction, entitling M/s. Carzonrent (India) Private Limited to operate their vehicles in terms with the license conditions.

The Writ Petitions are disposed of as above.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**