

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C) .No. 9850 of 2012 (E)

PETITIONER(S) :

ANIL KUMAR B. ,
ASHOK BHAVAN, ATTINGAL, T
THIRUVANANTHAPURAM.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SMT.SMITHA GEORGE.

RESPONDENT(S) :

1. THE KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY THE MANAGING DIRECTOR,
TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM,
PIN-695 001.
2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.
3. THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVT. OF KERALA,
THIRUVANANTHAPURAM-695 001.
4. UNION OF INDIA,
REPRESENTED BY THE SECRETARY,
MINISTRY OF SURFACE TRANSPORT (ROADS & BRIDGES) ,
NEW DELHI-110 001.

BY SENIOR GOVERNMENT PLEADER SEI. K.C.VINCENT &
BY SRI.BABU JOSEPH KURUVATHAZHA, SC, KSRTC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P1 : TRUE COPY OF ORDER DTD.24.3.1994 IN CMP 7664/1994 IN OP NO. 3484/1994.
- EXT.P2 : TRUE COPY OF REPRESENTATION DTD.13.10.1995 SUBMITTED BY THE PETITIONER BEFORE THE GOVT. OF KERALA.
- EXT.P3 : TRUE COPY OF ORDER NO.GO(RT)NO.1180/96/PW & T DTD.30.7.96 ISSUED BY THE GOVT. OF KERALA.
- EXT.P4 : TRUE COPY OF ORDER NO.GO(RT)NO.1371/97/PWD, DTD.21.11.97ISSUED BY THE GOVT. OF KERALA.
- EXT.P5 : TRUE COPY OF ORDER NO.TRBS-87652/88 DTD.13.7.1990 ISSUED BY R1.
- EXT.P6 : TRUE COPY OF ORDER NO.TRB-4182/92/ATL, DTD.20.5.1992 ISSUED BY R1.
- EXT.P7 : TRUE COPY OF JUDGMENT DTD.21.2.2007 IN OP NO.5093/1998.
- EXT.P8 : TRUE COPY OF JUDGMENT DTD.29.8.2011 IN WA NO.1025/2007.
- EXT.P9 : TRUE COPY OF AFFIDAVIT DATED NIL SWORN TO BY THE FORMER CHAIRMAN OF THE MUNICIPAL COUNCIL.
- EXT.P10: TRUE COPY OF MEMORANDUM DTD.31.1.2012 SUBMITTED BY THE PETITIONER BEFORE THE CHIEF MINISTER.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.9850 of 2012

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Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i) To issue a writ of mandamus commanding the respondents to immediately make the payment of amounts due to the petitioner towards the collection of toll for the period 1993 - 1994 at Mamom toll on the Thiruvananthapuram - Attingal road forthwith, with interest from the date of due till the date of actual payment.
- ii) To issue a writ of mandamus commanding the Government of Kerala to consider the representation dated 31.1.2012 submitted by the petitioner before the Hon'ble Chief Minister of Kerala at the earliest.
- iii) To award the costs of the petitioner in these proceedings.
- iv) To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. The cause of action projected in this writ petition is in respect of the rights and liberty of the petitioner to have collected toll charges from the vehicles passing through the bridge

constructed at Mamom on the National Highway - 47, between Attingal and Thiruvananthapuram. Two different spells are involved, one from 12.04.1993 to 31.03.1994 and the other one from 01.04.1994 to 31.03.1995.

3. Admittedly, the petitioner has approached this Court about two decades after the occurrence of the cause of action. The cause of action being stale and further, in view of the law declared by the Apex Court as per decision reported in **Ravindranath v Union of India (AIR 1970 SCC 470)** holding that the persons who are simply resting on arm chair without any regard to their rights and liberties are not entitled to have any relief invoking the discretionary jurisdiction of this Court, this is not at all a fit case to call for interference under any circumstance.

Writ petition dismissed.

Sd/-
P.R.RAMACHANDRA MENON, JUDGE

vdv