

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 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 12945 of 2015 (P)

PETITIONER :

RATHEESH AGED 36 YEARS
S/O. AYYAPPAN, CHENNATTU HOUSE, KARUKADAM P.O.
VENDUKUZH, KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS :

1. THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE
IDUKKI - 685 603.
2. THE CIRCLE INSPECTOR OF POLICE,
ADIMALY, IDUKKI - 685 561.
3. SUB INSPECTOR OF POLICE,
ADIMALY POLICE STATION, IDUKKI - 685 561.
4. IDUKKI JILLA MOTOR MAZDOOR SANGHAM,
NEDUMKANDAM, IDUKKI- 685 553
REPRESENTED BY ITS GENERAL SECRETARY.
5. SECRETARY,
IDUKKI JILLA MOTOR MAZDOOR SANGHAM, NEDUMKANDAM
IDUKKI - 685 553.
6. VINOJ P.M.
PALAKKUNNEL, KULAPPURACHAL, UDUMBANCHOLA
IDUKKI - 685 619.
7. DISTRICT LABOUR OFFICER,
DISTRICT LABOUR OFFICE, THODUPUZHA P.O.
IDUKKI - 685 584.

R1 TO R3 & R7 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE STAGE CARRIAGE PERMIT ISSUED TO THE
BUS KL 6E 1710.

EXHIBIT-P2-TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONER BY THE
4TH RESPONDENT DATED 02/03/2015.

EXHIBIT-P2(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P2

EXHIBIT-P3-TRUE COPY OF THE FROM 3 SUBMITTED BEFORE THE KERALA MOTOR
TRANSPORT WORKERS WELFARE FUND.

EXHIBIT-P3(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P3.

EXHIBIT-P4-TRUE COPY OF THE ACKNOWLEDGMENT DATED 11/04/2015 ISSUED
BY THE OFFICE OF THE 3RD RESPONDENT.

EXHIBIT-P4(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P4.

EXHIBIT-P5-TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 13/04/2015.

EXHIBIT-P5(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P5.

EXHIBIT-P6--TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 17/04/2015.

EXHIBIT-P6(A)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P6

EXHIBIT-P7-TRUE COPY OF THE PHOTOGRAPH OF THE BUS DETAINED BY THE
RESPONDENTS 4 TO 6

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).No. 12945 of 2015

Dated this the 4th June, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and the learned State Attorney. No notice is being issued to respondents 4 to 7, in view of the order, which is being passed.

2. The petitioner, who claims to be owner of a bus, KL-6E-1710, has come up with the Writ Petition seeking direction against the private respondents not to create any threat or obstruction in running of the vehicle. A prayer has been made seeking direction to respondents 1 and 2 to give adequate and effective protection. The petitioner's case is that the private respondents have obstructed running of the bus on which a complaint was filed. Thereafter a crime was registered, but again on 29.5.2015 same kind of obstruction has been put on.

3. The learned State Attorney, after obtaining instructions, submitted that on receiving Exhibit P6 complaint, both the parties were called and warned and thereafter no complaint has been received by the Police.

4. Considering the facts of the present case that as on date there is no kind of obstruction from the party respondents, we are of the view that as and when any obstruction is created by the party respondents in running the vehicle or if any offence is committed or there is attempt to commit offence, it shall be open for the petitioner to file complaint before the Police, which shall be looked into by the Police.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFIQUE
JUDGE**

vgs4/6/15