

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 17019 of 2015 (B)

PETITIONER : -

SALIM M.S,
S/O.SULAIMAN,
MENJIORATTATHIL, (MANJUMATTATHIL),
MULAPPURAM, KARIMANOOR,
THODUPUZHA.

BY ADVS.SRI.T.I.ABDUL SALAM
SRI.PHILIP T.VARGHESE
SMT.K.R.MONISHA
SRI.M.N.SASIDHARAN NAIR
SMT.SREEVIDYA P.S

RESPONDENTS : -

1. SUPERINTENDENT OF POLICE,
IDUKKI – 685 603.
2. CIRCLE INSPECTOR OF POLICE,
THODUPUZHA – 685 584.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17019 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE PHOTOCOPY OF THE DRIVING LICENSE No. 38/695/2005
ISSUED TO THE PETITIONER.

EXHIBIT P2 : TRUE PHOTOCOPY OF THE CONTRACT CARRIAGE PERMIT
NO.P.CO.38/934/2012 ISSUED IN RESPECT OF AUTHORI KSHAW WITH
REG.NO.KL-7 AH 583.

EXHIBIT P3 : TRUE PHOTOCOPY OF THE REPRESENTATION DATED 28/5/2015
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 17019 of 2015

Dated this the 08th day of June, 2015

JUDGMENT

The petitioner is aggrieved by the interference of the second respondent in operating the petitioner's motor cycle – three wheeler.

2. The petitioner alleges that the second respondent and the police official under him are interfering with the benefits conferred under Exhibit P2 contract carriage permit in respect of his three wheeler with Reg. No. KL-7 AH 583. The petitioner holds Exhibit P1 driving licence which authorises him to drive both transport and non transport vehicles. By virtue of Exhibit P1, the petitioner holds the licence to drive a three wheeler. Exhibit P2 is the contract carriage permit wherein the said vehicle is authorized to ply on all the fit roads in Idukki District with parking place as Thodupuzha. By virtue of Exhibits P1 and P2, the said

vehicle is operated by the petitioner as a contract carriage in Thodupuzha town parking the vehicle at the spot close to the Municipal Tourist Taxi Bus Stand near Municipal Private Bus Stand, Thodupuzha; it is alleged. As per the terms in Exhibit P2, the petitioner has every right to ply the vehicle as a contract carriage in Thodupuzha with parking place as Thodupuzha; so alleges the petitioner. The second respondent and the police officials under him are constantly obstructing the parking of the said vehicle at the spot near the Municipal Tourist Taxi Stand, Thodupuzha for the reason that the petitioner is not a resident of Thodupuzha Municipality, which is against Exhibit P2 permit. In spite of Exhibit P3 representation, the first respondent did not take any positive steps in the matter. It is with this background that the petitioner has come up before this Court.

3. When the matter came up here for consideration, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent to consider and pass appropriate orders on Exhibit P3 representation within a time frame.

Considering the nature of the submission, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Exhibit P3 representation after affording the petitioner and affected parties an opportunity of being heard, within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the first respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

DMR/-