IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 17213 of 2015 (B)

PETITIONER :

ALL KERALA BUS OPERATORS FORUM
ADIMALY , REPRESENTED BY ITS SECRETARY SOMAN K.S
AGED 41 YEARS, ADIMALY UNIT , IDUKKI DISTRICT

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS :

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1. ADIMALY GRAM PANCHAYATH
REPRESENTED BY SECRTARY,
ADIMALY, IDUKKI PIN - 685561

2. SECRETARY
ADIMALY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY,
ADIMALY IDUKKI, PIN 685561

3. THE KERALA BUS OPERATORS ASSOCIATION,
ADIMALY UNIT , REPRESENTED BY ITS SECRETARY,
ADIMALY, IDUKKI 685561

BY SRI. LATHEESH SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

WP(C).No. 17213 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- TRUE COPY OF THE RECEIPTS OF PAYMENT TOWARDS THE AUCTION AMOUNT & EMD DTD 17/3/2015.

P2:- TRUE COPY OF THE ORDER NO A2-12289/2014 DTD 17/12/2014 OF THE 2ND RESPONDENT.

P3:- TRUE COPY OF THE JUDGMENT DTD 26/11/2014 IN WPC NO 31619 OF 2014.

P4:- TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE 2ND RESPONDENT DTD 5/5/2015.

P5:- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DTD 11/5/2015.

P6:- TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DTD 2/6/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J

WPC No.17213 of 2015

Dated this the 30th day of June, 2015

JUDGMENT

The petitioner is aggrieved by the auction of fee collection in the bus stand within the local limits of the respondent Panchayat.

2. The first respondent conducted an auction on 25.3.2015 for toll collection for entry of buses into the Adimaly Bus stand for the year 2014-2015. The petitioner is the successful bidder who auctioned the right for an amount of Rs.4,56,000/-. The petitioner started collection of the fee after 1.4.2015. Though the petitioner was the successful bidder, the third respondent does not part with the authority of collecting fee for announcement of buses and the petitioner made a complaint in this regard before the second respondent. The announcement of departure time of every stage carriage is also a part of the function to be performed by the successful bidder and this

was reiterated by the second respondent in his Order No.A2-12289/2014 dated 17.12.2014. When the petitioner started collecting the toll fee, the third respondent refused to hand over the charge of announcement and they are now collecting the announcement fee. This is absolutely illegal and the third respondent does not have any right to do so. The petitioner approached the second respondent and requested interference of the second respondent and also requested to initiate action against the third respondent. Though the second respondent is fully aware of the situation, he has not taken any action. In fact the second respondent is given a silent consent for collection of announcement fee which is not permitted by the first respondent. It is with this background, the petitioner has come up before this Court.

Today when the matter came up for hearing, it was pointed out that Exts.P4 and P5 representations are pending before the second respondent and the petitioner would be satisfied, if a direction is given to the second respondent to consider the same, after affording the

petitioner and affected parties an opportunity of being heard.

In the result, this writ petition is disposed of directing the second respondent to consider and pass orders on Exts.P4 and P5, after affording the petitioner and the third respondent an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment.

sd/- A.V.RAMAKRISHNA PILLAI
JUDGE

css/ **true copy**

P.S.TO JUDGE