

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 17550 of 2015 (P)

PETITIONER(S):

1. K.K. RAMACHANDRAN, AGED 55 YEARS
S/O.VELAYUDHAN, "PREETHAM", PERAVOOR PO
MANATHANA AMSOM, KANNUR DISTRICT, PIN-670 673.
2. P.V.SREEDHARAN, AGED 55 YEARS
S/O.KANNAN NAIR, PUTHENVEETIL HOUSE, PERAVOOR PO
PERAVOOR DESOM, MANATHANA AMSOM, KANNUR DISTRICT
PIN-670 673,

BY ADVS.SRI.ABU MATHEW
SRI.AJU MATHEW

RESPONDENT(S):

1. PERAVOOR GRAMA PANCHAYATH
PERAVOOR GRAMA PANCHAYATH OFFICE, PERAVOOR PO
KANNUR DISTRICT, PIN-670 673
REPRESENTED BY ITS SECRETARY.
2. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, CIVIL STATION KANNUR
KANNUR DISTRICT, PIN-670 102.
3. JOINT REGIONAL TRANSPORT OFFICER,
OFFICE OF THE JOINT REGIONAL TRANSPORT OFFICER
THALASSERY, NEAR TOWN HALL, THALASSERY PO
KANNUR DISTRICT, PIN-670 104.

R2 BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : TRUE COPY OF THE NEWS REPORTED IN DESABHIMANI DAILY DATED 29-5-2014.

P2 : TRUE COPY OF THE REPRESENTATIONS DATED 30-5-2015 SUBMITTED BEFORE THE 1ST RESPONDENT PANCHAYATH.

P3 : TRUE COPY OF THE REPRESENTATIONS DATED 30-5-2015 SUBMITTED BEFORE THE 2ND RESPONDENT.

P4 : TRUE COPY OF REPRESENTATIONS DATED 30-5-2015 SUBMITTED BEFORE THE 3RD RESPONDENT.

P5 : TRUE COPY OF THE LETTER DATD 30-5-2015 ISSUED BY THE SUPERINTENDENT, TALUK HOSPITAL, PERAVOOR TO THE RESPONDENTS.

P6 : TRUE COPY OF THE NEWS REPORTED IN MALAYALA MANORAMA DAILY DATED 2-6-2015.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17550 of 2015

Dated this the 11th day of August, 2015.

JUDGMENT

The petitioners are aggrieved by the decision said to have been taken by the respondent to shift the bus stop within the local limits of respondent panchayath, which according to the petitioners, was not complying with the relevant statutory provisions and also without considering Exts. P2 to P4 representations.

2. Petitioners are the local residents of the first respondent panchayath. Petitioners allege that for the last 40 years, there was a bus stop on the side of the Thalassery-Kottiyur road at Taluk Hospital Junction Peravoor, Kannur nearly 30 metres away from the Peravoor Taluk Hospital. The petitioners further allege that without issuing notice as per law or inviting objection from the people, recently the first respondent panchayath had taken a decision to shift the said bus stop to Peravoor bus stand. The decision taken by the

panchayath was published as per Ext.P1 newspaper report. Immediately, thereafter, Exts.P2 to P4 representations was submitted to the respondents requesting to retain the bus stop situated on the side of Thalassery-Kottiyur road at Taluk Hospital Junction Peravoor itself. The respondent never considered the said representations or took any action on it till date. The petitioners further point out that the decision taken by the first respondent to shift the bus stop without issuing notice as per law or inviting objection as also without obtaining permission from respondents 2 and 3 as per the provisions of law is illegal, arbitrary and unjust. Aggrieved by the decision taken by the first respondent without complying the provisions of law as also on the inaction on the part of the respondents in not considering Exts. P2 to P4 representations, petitioners have come up before this Court.

3. I have heard the learned counsel for the petitioners and the learned Senior Government Pleader in the matter.

4. The learned senior Government Pleader on

instructions filed a statement, wherein it is stated that the Regional Transport Officer along with the Dy.SP, Iritty inspected the Peravoor Town and submitted a report to the District Collector with the following recommendations:

(a) The nearest way to reach at Taluk Hospital, Peravoor from the bus stand is through the property of a private party. The panchayath should take steps to take over the land from the private party for construction of road and make it suitable for transportation

(b) The buses coming from the side of Iritty and Thalassery would stop in front of the K.K.Medicals and then proceed to Peravoor bus stand.

(c) The buses coming from the side Kottiyoor would stop and pick the passengers in front of Bala's Bakery.

(d) The parking at Kelakam Road would be

completely stopped.

(e) Panchayath should get approval for the bus stand at Peravoor.

It was also stated that till the above recommendations are implemented, the bus stop in front of the K.K. Medicals would be retained.

5. In the light of the said statement, this Court is of the view that at present there is no emergent need for the interference by this Court.

Therefore, this writ petition is closed, reserving the right of the petitioners to approach this Court if they are aggrieved by the decision now taken by the authorities concerned on the basis of the joint inspection.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.