

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 18121 of 2015 (M)

PETITIONER(S):

1. **AJI M.K., S/O. KURUMBAN, 9/117,
NEDUMKULANGARAMA HOUSE,
ATHANI, THRIKKAKKARA,
ERNAKULAM DISTRICT, PIN - 682 021.**
2. **MUHAMMED T.M, S/O.MOHAMMEDKUTTY,
10/285 THADATHIL HOUSE, THRIKKAKARA,
ERNAKULAM DISTRICT, PIN - 682 021.**
3. **FRANCIS LIJOY, S/O. VINCENT JOY,
1/260, CHELAKKATU HOUSE, CSEZ P.O,
ERNAKULAM DISTRICT, PIN - 682 037,**

**BY ADVS.SRI.C.P.SAJI
SMT.P.DEEPA MOHAN**

RESPONDENT:

1. **THRIKKAKKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
THRIKKAKKARA, KAKKANAD,
KOCHI - 682 030.**
2. **THRIKKAKKARA MUNICIPAL COUNCIL,
REPRESENTED BY THE CHAIRMAN,
THRIKKAKKARA MUNICIPALITY, THRIKKAKKARA,
KAKKANAD, KOCHI - 682 030.**

BY ADV. SRI.S.SHANAVAS KHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 18121 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF THE PERMIT ISSUED TO THE 1ST PETITIONER'S
VEHICLE BEARING REG.NO.KL-07-BX-2849.
- EXT. P1(A) : TRUE COPY OF THE PERMIT ISSUED TO THE 2ND PETITIONER'S
VEHICLE BEARING REG.NO.KL-07-CC-1673.
- EXT P1(B) : TRUE COPY OF THE PERMIT ISSUED TO THE 3RD PETITIONER'S
VEHICLE BEARING REG.NO. KL-07-CC-1478.
- EXHIBIT P2 : TRUE COPY OF JUDGMENT DATED 29-01-2014 IN W.P(C) NO 30807/2013
OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.
- EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 05-03-2014 SUBMITTED
TO THE 1ST RESPONDENT BY ONE MAMAN M.P.
- EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION DATED 05-03-2014 SUBMITTED
BEFORE THE REGIONAL TRANSPORT AUTHORITY, ERNAKULAM BY
ONE MAMAN M.P.
- EXHIBIT P5 : TRUE COPY OF THE RESOLUTION NO.34 OF THE 2ND RESPONDENT
DATED 27-05-2014.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18121 of 2015

Dated this the 1st day of July, 2015

J U D G M E N T

The petitioners have approached this Court for a direction to the respondent municipality to implement Ext.P5 resolution of the 2nd respondent within a time frame.

2. The petitioners are the owners of TATA IRIS Motor Cabs registered as taxi, which is popularly known as auto-taxi. They are operating their TATA IRIS Motor Cabs by parking their vehicles near to the INFOPARK, Civil Station and Chittethukara. They allege that they purchased their vehicle availing vehicle loan from various financial institutions to find out self employment. According to them, since the vehicle is registered as a taxi, the petitioners are entitled to ply their vehicle on all fit roads throughout the State of Kerala without being obstructed by anybody else. They further allege that

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when they parked their vehicle near the autorikshaw stand, the autorikshaw drivers obstructed them from parking their vehicles near their stand and taking passengers therefrom. In the above circumstances, some of the drivers of the auto-taxi approached this Court; and this Court, vide Ext.P2 judgment, has directed the drivers of the auto-taxi to approach the concerned authorities to earmark separate taxi stand for them. Accordingly, they filed Ext.P3 representation before the respondent municipality, which is the competent authority to allow separate stand within its areas. After considering Ext.P3, the 2nd respondent passed Ext.P5 resolution on 27.05.2014 for allotting separate stand for auto-taxis at Kakkanad, INFOPARK and Chittethukara. The petitioners' grievance is that due to the non-implementation of Ext.P5 resolution, obstructions from the part of the autorikshaw drivers are still continuing. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent municipality.

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4. The limited prayer in this writ petition is for a direction to the municipality to implement Ext.P5 resolution. It was after considering Ext.P3 representation submitted by the petitioners before the respondent municipality that the 2nd respondent passed Ext.P5 resolution on 27.05.2014 for allotting separate stand for parking the auto-taxis. Though almost one year has elapsed, till date Ext.P5 resolution has not been implemented. Therefore, this Court is of the view that the respondent municipality can be directed to consider Ext.P3 representation for implementing Ext.P5 resolution within a time frame.

Therefore, the writ petition is disposed of directing the respondent municipality to implement Ext.P5 resolution within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-