

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 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 18277 of 2015 ()

PETITIONER(S) :-

K.V.SUDHA, AGED 45 YEARS,
WIFE OF P.G.ASOK KUMAR, K.C.C.EDUCATIONAL TRUST,
P.O.NARUVAMOODU, THIRUVANANTHAPURAM.

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENT(S) :-

1. THE STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE CIRCLE INSPECTOR OF POLICE,
NEYYATTINKARA, THIRUVANANTHAPURAM - 695 121.
3. THE STATION HOUSE OFFICER (SUB INSPECTOR OF POLICE),
NARUVAMOODU, THIRUVANANTHAPURAM - 695 020.
4. SRI.PALLICHAL BIJU, B.J.P.MANDALAM PRESIDENT,
MOTTAMOODU, NARUVAMOODU, THIRUVANANTHAPURAM - 695 020.
5. SRI.SAJI, MUKKUNADA, NARUVAMOODU,
THIRUVANANTHAPURAM - 695 020.

R1 TO R3 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).NO.18277 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE JUDGMENT IN W.P.(C)No.15514/
2015-L DATED 2.6.2015.

EXT.P2 :- TRUE COPY OF THE REQUEST FILED BEFORE THE 2ND
RESPONDENT DATED 13.6.2015.

EXT.P2(a) :- TRUE COPY OF THE ENGLISH TRANSLATION OF
EXT.P2.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

W.P(C).No. 18277 of 2015

Dated this the 18th June, 2015

JUDGMENT

Shaffique, J.

No notice is being issued to respondents 4 and 5 in view of the order which we intend to pass.

2. Petitioner is the Secretary of an Educational Trust, which runs a school. The school had been plying their buses through the compound of another school, SRS U.P. School, Pallichal. A dispute had arisen between the petitioner and the SRS U.P. School management with respect to the plying of petitioner's buses through the compound of the other school, which ultimately resulted in the Assistant Educational Officer interfering and restricting the petitioner from utilising the compound of the other school for plying their vehicles after 2014-2015. The petitioner challenged the orders passed by the

Assistant Educational Officer by filing W.P(C).No.15514 of 2015 in which this Court by judgment dated 2.6.2015 directed the Government to consider the representation dated 24.3.2015 submitted by the petitioner. There was also a direction to dispose of the said representation within a period of one month from the date of receipt of a copy of the judgment, after hearing the petitioner as well as the Manager of the other school. In the meantime, it was made clear that until such orders are passed by the Government, the arrangements that existed in the matter of passage of vehicles belonging to the petitioner through the property of the fifth respondent school prior to Exhibit P6 order shall continue to hold the field.

3. The petitioner submits that despite the aforesaid direction, respondents 4 and 5 are preventing the petitioner from plying their vehicles through the compound of other school.

4. The learned State Attorney, on instructions, would submit that the matter is pending with the Government

and the obstruction is being caused by certain persons in the locality. It is also pointed out that prior to Exhibit P6 order as referred to in the judgment dated 2.6.2015, there was an earlier order, Exhibit P4 dated 18.7.2014 by which also similar restriction had been imposed.

5. On a perusal of the judgment of the learned Single Judge in W.P(C).No.15514 of 2015, we are sure that the intention was to permit the petitioner to ply their vehicle through the compound of the other school until the Government takes a decision in the matter. In view of the said judgment, we do not think that any person can obstruct the plying of the petitioner's vehicles through the school compound of the other school and if there is any such obstruction, the Police are to interfere and maintain necessary law and order enabling the petitioner to ply their vehicles through the compound of the other school. Respondents 2 and 3 shall make sure that no obstruction is caused to the vehicles of the petitioner in plying through the compound of the other school until orders are

passed by the Government in the matter.

With the above observation, the writ Petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE
JUDGE

vgs19/6/15