

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 18517 of 2014 (L)

PETITIONER(S):

SAHADEVAN AGED 67 YEARS
S/O. SREEDHARAN, RESIDING AT SREEDHAR BHAVAN
PARIPPALLY P.O., KOLLAM DISTRICT.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU
SRI.A.R.NIMOD
SRI.SANIL JOSE

RESPONDENT(S):

1. THE REGIONAL TRANSPORT AUTHORITY
KOLLAM-691 001.
2. THE DISTRICT COLLECTOR
COLLECTORATE, KOLLAM-691 001.
3. KALLUVATHUKKAL GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KALLUVATHUKKAL P.O.
KOLLAM-691 578.
4. KALLUVATHUKKAL GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KALLUVATHUKKAL P.O.
KOLLAM-691 578.
5. AJAY KUMAR M.
SECRETARY, AUTOMOBILE UNION (CITU), NEERITHI
PARIPPALLY, KOLLAM-691 578.
6. VINOD PARIPALLY
SECRETARY, AUTOMOBILE UNION (INTUC), CONGRESS BHAVAN
PARIPPALLY, KOLLAM-691 578.
7. STALIN
SECRETARY, AUTO RICKSHAW WORKERS UNION (AITUC)
PARIPPALLY, KOLLAM-691 578.

R4 BY ADV. SRI.G.BHAGAVAT SINGH
R5-R6 BY ADV. SRI.S.BIJU (KIZHAKKANELA)
BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18517 of 2014 (L)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE
1ST RESPONDENT DTD.12.6.2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

vdv

DAMA SESHADRI NAIDU, J.

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W.P(C) No.18517 of 2014

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Dated this the 06th day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated that the petitioner is said to be the owner of a shopping complex in the name and style of 'S.S.Complex'. His grievance is that the owners of autorickshaws plying in the area set up their own auto stand in front of the petitioner's shopping complex, thereby preventing ingress and egress to the complex.

3. The petitioner is said to have submitted Ext.P1 representation before the 1st respondent seeking the intervention of the said authority. Questioning the delay in the consideration of Ext.P1 by the 1st respondent, the petitioner filed the present writ petition.

4. The learned Standing Counsel for 4th respondent Gramapanchayath and also the learned counsel for the respondents 5, 6 and 8 have together submitted that on earlier occasion some other person filed W.P(C) No.33060 of 2010 concerning the same issue, and that this Court disposed it of through a judgment, dated 03.02.2011, by issuing certain directions.

5. The learned counsel for the 5th, 6th and 8th respondents has also further submitted that, in the light of the directions given in W.P(C) No.33060 of 2010, the 4th respondent Gramapanchayath has already initiated certain steps. According to him, if the 1st respondent is to consider Ext.P1 representation said to have been submitted by the petitioner, he shall take into account the directions of this Court given earlier and also all the subsequent developments that took place in the light of the said judgment.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the

petitioner, the learned standing counsel for the 4th respondent Gramapanchayath and also learned counsel for the respondents 5, 6 and 8, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 1st respondent to consider petitioner's Ext.P1 representation, keeping in view the directions given by this Court earlier on 03.02.2011 in W.P(C) No.33060 of 2010, as well as the subsequent developments that are said to have taken place owing to the steps initiated by the 4th respondent Gramapanchayath, as expeditiously as possible, at any rate within three months. It is made clear that if any of the parties seeks an opportunity of personal hearing, it may be considered by the 1st respondent.

Sd/-
DAMA SESHADRI NAIDU, JUDGE

vdv //True Copy// P.A to judge