

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 21377 of 2013 (V)

PETITIONER(S):

PONNAPPAN.P.N, S/O.NARAYANAN
PADINJARE ILAYIDATH, CHEMBU PO, CHEMPU
VAIKOM KOTTAYAM DISTRICT.

BY ADVS.SRI.P.S.NANDANAN
SRI.P.N.ANOOP
SRI.B.G.RENJITH

RESPONDENT(S):

1. THE SUB INSPECTOR OF POLICE
UDAYAMPEROOR POLICE STATION, UDAYAMPEROOR, PIN.682307
2. SUB REGIONAL TRANSPORT AUTHORITY
THRIPOONITHURA, PIN 682 301.
3. UDAYAMPEROOR GRAMA PANCHAYATH
UDAYAMPEROOR PIN. 682 307 REP. BY THE SECRETARY.
4. RASHEED, S/O.KASIMKUTTY
AUTO DRIVER, POOTHOTTA AUTO STAND
AUTO NO. KL 39 C 1906, KIDANGIL HOUSE, POOTHOTTA PO
POOTHOTTA, ERNAKULAM DISTRICT, PIN 682 307.
5. SADANANDAN, S/O.SANKARAN
AUTO DRIVER, POOTHOTTA AUTO STAND, AUTO NO.KL 39B 1418
PANDYAMPARAMBIL, POOTHOTTA PO, ERNAKULAM DISTRICT
PIN 682 307
6. K.N. RAVEENDRAN, S/O.NARAYANAN
AUTO DRIVER, POOTHOTTA AUTO STAND, AUTO NO.KL 39C 9095
KOTTACHIRA, LAKSHAM VEEDU COLONY
POOTHOTTA PO PIN. 682 307

7. SHYLAJAN, S/O.PADMANABHAN
AUTO DRIVER, POOTHOTTA AUTO STAND, AUTO NO.KL-06-8760
KOTTACHIRA HOUSE, POOTHOTTA PO, PIN.682 307
8. ANUS, S/O.SULAIMAN
AUTO DRIVER, POOTHOTTA AUTO STAND, AUTO NO.KL 39A 1310
VADAKKEMANGATTIL, KALLIKKUNNU, CHEMPU PO
PIN 686 608
9. RAJESH, S/O.RAVINDRAN
DRIVER, AUTO STAND POOTHOTTA
AUTO NO.KL 39B 9756 KANDATHIPARAMBIL, KALLIKKUNNU
CHEMPU PO, PIN.686608

R3 BY ADVs. M/S. P.N.SUKUMARAN & K.A.ANAS
R4,R5,R6 ,R7,R8,R9 BY ADVS. M/S.PHILIP T.VARGHESE, THOMAS
T.VARGHESE, SMT.ACHU SUBHA ABRAHAM & MT.T.M.BINITHA
BY GOVERNMENT PLEADER SRI. SYAMKUMAR FOR R1 & R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21377 of 2013 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 – TRUE COPY OF THE LICENSE VALID FROM 22-6-2012 TO 21-6-2015 FOR TRANSPORT VEHICLE.

EXT.P2 – TRUE COPY OF THE REGISTRATION CERTIFICATE WITH RESPECT TO THE VEHICLE KL-36-D-1286

EXT.P3 – TRUE COPY OF THE TAX DISC DATED 19-7-2013 FOR A PERIOD FROM 2-7-2013 TO 30-6-2014 AS PER MOTOR VEHICLES DEPARTMENT.

EXT.P4 – TRUE COPY OF THE CONTRACT CARRIAGE PERMIT NO.P.CO. 36/958/2013 ISSUED BY REGIONAL TRANSPORT AUTHORITY, VAIKOM.

EXT.P5 – TRUE COPY OF THE COMPLAINT DATED 22-7-2013 SUBMITTED BEFORE 1ST RESPONDENT.

EXT.P6 – TRUE COPY OF THE PETITION BEFORE THE 2ND RESPONDENT DATED 3-8-2013

EXT.P7 – TRUE COPY OF THE PETITION DATED 19-8-2013 TO THE 3RD RESPONDENT.

EXT.P8 – TRUE COPY OF THE POSTAL RECEIPT DATED 19-8-2013

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

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W.P. (C) No. 21377 of 2013 – V
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Dated this the 9th day of January, 2015

JUDGMENT

Shaffique, J.

Petitioner has approached this Court seeking police protection to park his motor cab (taxi) at Poothotta stand and to ply his vehicle in Udayamperoor Panchayath area. According to the petitioner, respondents 4 to 9 are causing obstruction and preventing him from plying his motor cab (taxi) in Udayamperoor Panchayath area. An interim order has already been passed on 11-09-2013 directing the police to interfere in the matter. It is observed in the interim order that there is no notified autorickshaw or taxi parking stand at Poothotta.

2. Since there is no notified parking area, it is always open for the petitioner to park his vehicle in the place of his choice. On a reference to the permit conditions, it is not evident as to where the petitioner should park his vehicle.

3. Having regard to the aforesaid facts and situation, we do not think that any further directions are required to be passed. However, we observe that if there is any law and order situation in the matter of parking of his vehicle, it is open for the petitioner to approach the police who shall act in accordance with law.

Accordingly , this Writ Petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

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