

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

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 20098 of 2014 (J)

PETITIONER :

T.P MOHANAN, AGED 63 YEARS,
S/O.PADMANABHAN, THUNDIYIL HOUSE, ALUVA 683 101.

BY ADV. SRI.A.P.SUBHASH

RESPONDENTS :

1. THE DISTRICT SUPERINTENDENT OF POLICE
(ERNAKULAM RURAL) ALWAYE 683 101.
2. DEPUTY SUPERINTEND OF POLICE, ALWAYE, 683 101.
3. CIRCLE INSPECTOR OF POLICE, ALWAYE 683 101.
4. ALWAYE RAILWAY GOOD SHED LORRY OWNERS AND LABOURS ASSOCIATION
REG.NO.174 OF 2007, REPRESENTED BY ITS SECRETARY
HANEefa NJARALAKKADAN NJARALAKKADAN HOUSE
NEAR PRIVATE BUS STAND, ALWAYE P.O
ERNAKULAM DISTRICT. 683 101.
5. ALWAYE GOOD SHED LOADING,
UNLOADING AND TRANSPORTING AGENCY ASSOCIATION
HAVING REG.NO.ER 253/79 REPRESENTED BY
ITS GENERAL SECRETARY N.K.SASIDHARAN 683 101.
6. SUB INSPECTOR OF POLICE
ALWAYE POLICE STATION, ALWAYE 683 101.

R1 TO R3 & R6 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN
R4 BY ADV. SRI.C.A.CHACKO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. COPY OF THE IDENTITY CARD ISSUED BY THE ALWAYE RAILWAY GOODS SHED
CHUMUTTU THOZHILALI UNION.

EXHIBIT P1(A). COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1.

EXHIBIT P2. COPY OF A RECENT REPRESENTATION SUBMITTED BY THE PETITIONER DATED
03.03.14 TO THE FIFTH RESPONDENT ALWAYE GOOD SHED LOADING,
UNLOADING, AND TRANSPORTING AGENCY ASSOCIATION.

EXHIBIT P2(A).COPY OF ENGLISH TRANSLATION OF EXHIBIT P2.

EXHIBIT P3. COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 03.03.14 TO
THE FIRST RESPONDENT DISTRICT SUPERINTENDENT OF POLICE,
(ERNAKULAM RURAL) ALWAYE.

EXHIBIT P3(A).COPY OF ENGLISH TRANSLATION OF EXHIBIT P3.

EXHIBIT P3(B). COPY OF ACKNOWLEDGMENT FOR THE RECEIPT OF EXHIBIT P3 DATED 04.03.14
FROM THE FIRST RESPONDENT DISTRICT SUPERINTENDENT OF POLICE,
(ERNAKULAM RURAL) ALWAYE.

EXHIBIT P4. COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 03.03.14
TO THE SECOND RESPONDENT DEPUTY SUPERINTENDENT OF POLICE, ALWAYE.

EXHIBIT P4(A).COPY OF ENGLISH TRANSLATION OF EXHIBIT P4.

EXHIBIT P4(B).COPY OF ACKNOWLEDGMENT FOR THE RECEIPT OF EXHIBIT P4 FROM THE
SECOND RESPONDENT DEPUTY SUPERINTEND OF POLICE, ALWAYE.

EXHIBIT P5. COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 03.03.14 TO
THE 3RD RESPONDENT CIRCLE INSPECTOR OF POLICE, ALWAYE.

EXHIBIT P5(A).COPY OF ENGLISH TRANSLATION OF EXHIBIT P5.

EXHIBIT P5(B).COPY OF ACKNOWLEDGMENT FOR THE RECEIPT OF EXHIBIT P6 FROM
THE 3RD RESPONDENT CIRCLE INSPECTOR OF POLICE, ALWAYE.

EXHIBIT P6. COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 03.03.14
TO THE 6TH RESPONDENT SUB INSPECTOR OF POLICE, ALWAYE.

EXHIBIT P6(A).COPY OF ENGLISH TRANSLATION OF EXHIBIT P6.

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EXHIBIT P6(B).COPY OF ACKNOWLEDGMENT FOR THE RECEIPT OF EXHIBIT P6 FROM THE
6TH RESPONDENT SUB INSPECTOR OF POLICE, ALWAYE.

EXHIBIT P7. COPY OF JUDGMENT OF A SINGLE BENCH OF THIS HONOURABLE COURT
DATED 1.12.87 IN OP 9281/87.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C). No. 20098 of 2014

Dated this the 14th day of January, 2015

J U D G M E N T

Shaffique, J

This writ petition has been filed by the petitioner who claims to be the owner cum driver of a lorry bearing registration No.KL 7-J-8208. According to him, he is operating at Alwaye Good shed area for the past twenty years. According to him, he was a member of lorry association functioning in the said area. Since he has resigned from the association and joined another union affiliated to AITUC he is prevented from parking at Good shed area. Complaint is against the fourth respondent which is an association viz., Alwaye Railway Good Shed Lorry Owners and Labours Association.

2. Learned counsel for the fourth respondent submits that they have not prevented any person from carrying on their activity in the Good shed area. Only restriction is that they have to follow a queue system in this area among the lorries, which system was adopted by virtue of a settlement in the presence of

police officers.

3. Learned Government Pleader also submits that the queue system has been formulated as per Ext.P7 judgment. In so far as the fourth respondent association is not opposing the petitioner in carrying on activities in the Good shed area, on the petitioner following that queue system.

4. Having regard to the above, we do not think that any direction is required to be passed in the writ petition. We only record the submission of the fourth respondent. The police can interfere only if there is any law and order situation.

The writ petition is disposed of accordingly.

**ASHOK BHUSHAN,
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE,
JUDGE.**

sou.