

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20074 of 2015 (H)

PETITIONER:

**GIREESH KUMAR P.C. AGED 39 YEARS
S/O. A.K.CHANDRAN, RESIDING AT VALLIKKADU
KANNOOTH PARAMBIL HOUSE, MULLASSERY,
VATTAPPARAMBU P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE
CHENGAMANADU POLICE STATION,
CHENGAMANADU P.O., ERNAKULAM DISTRICT-683578.**
- 2. THE SUB INSPECTOR OF POLICE,
VALIATHURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695008.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
ALUVA, ALUVA P.O., ERNAKULAM DISTRICT-683101.**
- 4. THE COCHIN INTERNATIONAL AIRPORT AUTHORITY,
NEDUMBASSERY, REPRESENTED BY ITS MANAGING DIRECTOR,
NEDUMBASSERY P.O., ERNAKULAM DISTRICT-683585.**
- 5. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**

***ADDL. R6 IMPEADED**

- 6. THE SUPERINTENDENT OF POLICE,
ALUVA-RURAL, ERNAKULAM DISTRICT.**

ADDL. R6 IS IMPEADED AS PER ORDER DATED 10.07.2015 IN IA.9897/2015.

**R1 TO R3, R5 & ADDL. R6 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R4 BY SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 20074 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1- THE TRUE COPY OF THE FIR IN CRIME NO. 673/2010 OF VALIATHURA POLICE STATION.

EXHIBIT P2- THE TRUE COPY OF THE DRIVING LICENSE DATED 8-4-2015 ISSUED BY THE ADDITIONAL REGISTERING AUTHORITY OF THE MOTOR DEPARTMENT OF THE GOVERNMENT OF KERALA.

EXHIBIT P3- THE TRUE COPY OF THE IDENTITY CARD BEARING NO. 364 ISSUED BY THE COCHIN INTERNATIONAL AIRPORT TAXI OPERATORS CO-OPERATIVE SOCIETY LIMITED, REGISTER NO. E 998 TO THE FATHER OF THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

W.P(C).No.20074 Of 2015

Dated this the 13th day of July, 2015.

J U D G M E N T

It is submitted by the petitioner that he is a driver by profession and that his father is also a professional driver that since his father is a member of the Cochin International Air Port Taxi Operators' Co-operative Society he is entitled to operate his taxi car by parking it at the parking space provided by the Cochin International Air Port authority at Nedumbassery. That his father is suffering from Asthma and the petitioner is intending to operate the taxi car of his father by parking it at the parking place of taxi cars at the Cochin International Air Port office premises for which the Cochin International Air Port authorities are insisting for a police clearance certificate from the Superintendent of Police concerned. That respondents 3 & 6 are not issuing the police clearance certificate as the petitioner has been implicated as an accused in Crime No.673/2010 of Valiyathura Police Station registered for alleged offences punishable under Secs.465, 468, 471, 419 r/w 34 IPC and Sec.12 of the Passport Act. The crime was registered as early as on 6.11.2010, that more than 4 long years have elapsed after the

W.P(C).No.20074 Of 2015

registration of the crime and investigation is not yet completed and that under these circumstances there is no justification in refusing to issue police clearance certificate by respondents 3 & 6 and that the non-issuance of the clearance certificate by respondents 3 & 6 is in violation of the fundamental rights of the petitioner guaranteed under Articles 14, 19(1)(g) and 21 of the Constitution of India. It is in the light of these aspects that the present Writ Petition has been filed praying that the additional 6th respondent be directed to issue police clearance certificate to the petitioner so as to enable him to work as a taxi driver attached to the Cochin International Air Port forthwith, etc.

2. Heard Sri.T.Madhu, learned counsel for the petitioner and the learned Public Prosecutor appearing for respondents 1 to 3 & 5 and Sri.Gopikrishnan Nambiar, learned standing counsel for the 4th respondent.

3. It is not disputed by the respondents that the matter in issue in similar case as in the present one, this Court has already by judgment dated 22.5.2011 in W.P.(C).No.14967/2015 granted necessary relief to the petitioner therein. The said judgment in W.P.(C).No.14967/2015 reads as follows:

W.P(C).No.20074 Of 2015

“The petitioner is a taxi driver operating in the premises of the Cochin International Airport Limited (CIAL). The petitioner was directed to produce a Police Clearance Certificate by the authorities of the CIAL. The petitioner has approached the first respondent for the Police Clearance Certificate in the format as required in Ext.P2. The petitioner contends that since he is involved in a crime, charge sheeted by the Police, the Police Authorities refused to issue the Police Clearance Certificate. If the petitioner is involved in a crime, a certificate has to be issued stating the nature of the offence in which the petitioner is involved. The Police Authorities cannot refuse to issue a certificate to the petitioner.

Therefore, there shall be a direction to the first respondent to intimate the details of the crime in which the petitioner is involved to the 2nd respondent, without any delay. Thereafter, the petitioner shall approach the second respondent, who shall issue the certificate showing all the details including the offence in which the petitioner is involved within ten days from the date of receipt of such application from the first respondent.

The writ petition is disposed of as above.”

In the said case, this Court had directed the Station House Officer to intimate the details of the crime in which the petitioner is involved to the Superintendent of Police, Ernakulam Rural, without any further delay and thereafter the petitioner shall approach the Superintendent of Police, Ernakulam Rural, who shall then issue the certificate showing all the details including the offence in which the petitioner is involved within ten days from the date of receipt of such application from the 1st respondent.

W.P(C).No.20074 Of 2015

4. Accordingly, it is ordered in the interest of justice that the petitioner may make appropriate application before the 1st respondent-Sub Inspector of Police, Chengamanadu Police Station to intimate details of the crime/s, if any, in which the petitioner is involved, to the 6th respondent-Superintendent of Police, Ernakulam Rural District, Aluva, upon which the 1st respondent will furnish the details of the crime in which the petitioner is involved to the 6th respondent and a copy of the same shall also be made available to the petitioner. After this, the petitioner shall approach the 6th respondent-Superintendent of Police, Ernakulam Rural, Aluva, who shall issue the certificate showing all the details including the offences in which the petitioner is involved as furnished by the 1st respondent as well as Ext.P1 Crime No.673/2010 of Valiyathura Police Station, etc., within ten days from the date of receipt of the application of the petitioner.

With these observations and directions, this Writ Petition stands finally disposed of.

ALEXANDER THOMAS,
Judge.

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