

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 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 20189 of 2015 (W)

PETITIONER :-

JAGJITH SINGH, AGED 53 YEARS
S/O.JAI SINGH, ASHIRWAD, KADAVANTHRA
KOCHI-682020.

BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN
SMT.MARIAN G.M.THARAKAN
SRI.S.JAYAKUMAR

RESPONDENTS :-

1. THE COMMISSIONER OF POLICE,
KOCHI CITY, OFFICE OF THE CITY POLICE COMMISSIONER
PARK AVENUE, KOCHI-682011.
2. CIRCLE INSPECTOR OF POLICE,
THEVARA, PERUMANOOR, KOCHI, PIN-682015.
3. SUB INSPECTOR OF POLICE,
THEVARA POLICE STATION, PERUMANOOR, KOCHI, PIN-682015.
4. P.KESAVAN, S/O.ACHUTHAN NAIR,
'KALYANI', NO 25 GIRI NAGAR, KOCHI, PIN-682020.

R1 TO R3 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C) .No. 20189 of 2015 (W)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1 JUDGMENT COPY OF O.P.12718 DT.22ND JULY 1998.

EXT.P2 JUDGMENT IN WRIT APPEAL 1629 OF 1998 DT.13TH AUGUST 1998

EXT.P3 LICENSE NO.MOH:12/21393/2014-15 DT.26/09/2014 WITH
TRANSLATION.

EXT.P4 RENEWAL OF LICENSE DT.18/02/2015.

EXT.P5 APPLICATIN FOR PROTECTION FROM POLICE WITH TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.20189 of 2015

Dated this the 9th day of July 2015

J U D G M E N T

Shaffique, J

This writ petition has been filed by the petitioner seeking police protection inter alia contending that he is running a parcel office at Giri Nagar. The complaint is that the 4th respondent and his men are obstructing movement of the vehicles, which are Light Motor Vehicles and therefore, he is unable to carry on the parcel service. According to the petitioner, he is not creating any nuisance or obstruction to the vehicular traffic in the area and he is not parking any of his vehicles on the road, whereas, all his vehicles are parked inside the premises. He also submits that he had obtained the permission from the competent authority for running the parcel service.

2. Learned Government Pleader on instructions would submit that on previous occasion also there was some issue regarding parking of vehicles, which were heavy contract carriage buses. The people in the locality have some grievance on account of the petitioner's vehicles being taken through the colony, which is creating some nuisance.

-: 2 :-

3. Learned counsel for the 4th respondent submits that he is not creating any obstruction as alleged by the petitioner. They have been complaining about the heavy vehicles being plying through the small roads within the colony and the matter has already been taken up before this Court in another writ petition.

4. Having regard to the aforesaid factual situation, it is clear that the petitioner is not parking his commercial vehicles on the road. If the petitioner is not creating any traffic obstruction, no one else can have any right to obstruct the petitioner from carrying on his business, for which, he has a valid licence. The petitioner is only parking his vehicles inside the business premises and if any obstruction is caused by the private respondent or his men in that regard, the police is bound to interfere in the matter and maintain law and order situation.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE