

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22818 of 2015 (B)

PETITIONER :

**KARUNAKARAN NAIR C., AGED 65 YEARS,
S/O.CHANDRASHEKARAN NAIR, PANANGODE BUILDING,
VENJARAMOODU P.O., NEDUMANGAD, THIRUVANANTHAPURAM.**

BY ADV. SRI.SAJU.S.A

RESPONDENTS :

- 1. NELLANAD GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, VENJARAMOODU,
THIRUVANANTHAPURAM-695607.**
- 2. SECRETARY
NELLANADU GRAMAPANCHAYATH, VENJARAMOODU,
THIRUVANANTHAPURAM-695607.**
- 3. CIRCLE INSPECTOR OF POLICE,
VENJARAMOODU POLICE STATION, VENJARAMOODU
THIRUVANANTHAPURAM-695607.**

**R1 & R2 BY ADV. SRI.M.H.HANILKUMAR, SC,
R3 BY GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

WP(C).No. 22818 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF REPRESENTATION DT 12/2/2015 SUBMITTED BY THE PETITIONER
BEFORE THE R2.

P2: COPY OF REPRESENTATION DT 13/2/2015 SUBMITTED BY THE PETITIONER
BEFORE THE R3.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.22818 of 2015

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Dated this the 5th day of August, 2015

JUDGMENT

The petitioner is seeking a direction to dispose of Ext.P1 and P2 representations filed against illegal parking of vehicles.

2. The petitioner is the resident of Ward No.VII of the first respondent panchayat. The petitioner is the owner and in possession of 41 cents of property in R.S No.292/9 of Nellanadu village along with a building. The property is situated in Venjaramoodu town. The petitioner alleges that the first respondent panchayat has allotted four numbers to the petitioner's building.

3. The petitioner further alleges that Venjaramoodu branch of SBT is functioning in the petitioner's building. Out of the other two rooms, one is occupied by the petitioner and he is conducting a financial institution by name 'Panangode Finance'. In the fourth room, a construction firm by name 'CEE Tek Solution' is having its office. The petitioner is residing in a portion behind the SBT.

4. Aggrieved by the illegal parking of mini lorries in front of his building obstructing the ingress and egress, he filed Exts.P1 and P2 representations before respondents 2 and 3. However, it could not evoke any positive response. It is with this background, the petitioner has come up before this Court.

5. Arguments have been heard.

6. The learned standing counsel for the respondent panchayat on instructions submitted that the Secretary of the panchayat made a local inspection on the rear side of the petitioner's shop and his residential building. In fact, he could find any illegal parking as alleged in the petition.

7. However, as the learned counsel for the petitioner point out that illegal parking in front of the shop is going on, this Court is of the view that a direction can be given to the first respondent to stop the illegal parking in front of the petitioner's shop as the petitioner has every right to have the ingress and egress through any part of his property.

Therefore, the writ petition is disposed of directing the first respondent to ensure that no vehicles are parked in front of the petitioner's

shop causing obstruction to the ingress and egress and the same shall be enforced with the assistance of the third respondent. There shall be a direction to the third respondent to render necessary assistance to the first respondent if the first respondent makes a request in that regard.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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