

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C) .No. 25516 of 2014 (L)

PETITIONER(S) :-

BIJU JOSEPH, AGED 44 YEARS
S/O.JOSEPH, KUNNATHUMATTATHIL HOUSE
KOTTOPADAM P.O., NO.III VILLAGE, MANNARCADU TALUK
PALAKKAD DISTRICT.

BY ADVS.SRI.VARGHESE C.KURIAKOSE
SRI.P.J.JOSE

RESPONDENT(S) :-

1. STATE OF KERALA
REP.BY SECRETARY, DEPT. OF HOME AFFAIRS
SECRETARIAT, TRIVANDRUM - 695 001.
2. THE SUPERINTENDENT OF POLICE
(DISTRICT POLICE CHIF)
O/O.THE SUPERINTENDENT OF POLICE
PALAKKAD DISTRICT - 678 001.
3. THE DEPUTY SUPERINTENDENT OF POLICE
O/O.THE DEPUTY SUPERINTENDENT OF POLICE
SHORNUR, PALAKKAD DISTRICT - 678 006.
4. THE CIRCLE INSPECTOR OF POLICE
OFFICE OF THE CIRCLE INSPECTOR OF POLICE, MANNARCADU
PALAKKAD DISTRICT - 678 302.
5. SUB INSPECTOR OF POLICE
O/O.THE SUB INSPECTOR OF POLICE, MANNARCADU
PALAKKAD DISTRICT - 678 302.
6. TAXI AND AUTO DRIVER'S UNION
AFFILIATED TO CITU, REP.BY ITS SECRETARY
POTTASSERRY P.O., KANJIRAM - 678 142.
7. TAXI AND AUTO DRIVER'S UNION
AFFILIATED TO INTUC, REP.BY ITS SECRETARY
POTTASSERRY PO, KANJIRAM. 678 142.

8. TAXI AND AUTO DRIVER'S UNION
AFFILIATED TO BMS, REP.BY ITS SECRETARY
POTTASSERRY P.O., KANJIRAM - 678 142.

9. KANJIRAPUZHA GRAMA PANCHAYAT
PANCHAYAT OFFICE, KANJIRAM - 678142
REP.BY ITS SECRETARY

R6-R8 BY ADV. SRI.T.MADHU
R9 BY ADV. SRI.R.AZAD BABU
R1-R5 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

APPENDIX

PETITIONER(S)' EXHIBITS :-

EXT.P1 - TRUE PHOTOSTAT COPY OF THE STATEMENT IN
WPC.NO.15844/2010 FILED BY THE 9TH RESPONDENT.

EXT.P2 - TRUE PHOTOSTAT COPY OF THE LICENSES AND PERMISSION
ISSUED TO THE PETITIONER FROM 9TH RESPONDENT.

EXT.P3 - TRUE PHOTOSTAT COPY OF THE REGISTRATION CERTIFICATE
ISSUED BY THE LABOUR DEPARTMENT TO THE PETITIONER'S
INSTITUTION.

EXT.P4 - TRUE PHOTOSTAT COPY OF THE REGISTRATION FROM THE
COMMERCIAL TAX DEPARTMENT DATED 15-07-2011.

EXT.P5 - TRUE PHOTOSTAT COPY OF THE PHOTOGRAPHS SHOWING THE
PARKING OF TAXI VEHICLES INSIDE THE TITLE HOLDING PROPERTY
ALMOST TOUCHING THE BUILDING.

EXT.P6 - TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED
12-09-2014 BEFORE THE 9TH RESPONDENT.

EXT.P7 - TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED
12-09-2014 SUBMITTED TO THE RESPONDENT NO.2.

EXT.P8 - TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED
12-09-2014 SUBMITTED TO THE RESPONDENT NO.3.

EXT.P9 - TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED
12-09-2014 SUBMITTED TO THE RESPONDENT NO.4.

EXT.P10 - TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED
12-09-2014 SUBMITTED TO THE RESPONDENT NO.5.

EXT.P11 - TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD
SIGNED BY THE 2ND RESPONDENT.

EXT.P12 - TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD
SIGNED BY THE 3RD RESPONDENT.

EXT.P13 - TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD
SIGNED BY THE 4TH RESPONDENT.

EXT.P14 - TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CARD
SIGNED BY THE 5TH RESPONDENT.

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RESPONDENT(S) ' EXHIBITS :-

EXT.R6(a) : TRUE COPY OF THE COMPLAINT FILED BY SRI.PRADEEP
AND 34 OTHERS TO THE SOCIAL FORESTRY OFFICER, OLAVAKOD.

EXT.R6(a) (i) : TRUE ENGLISH TRANSLATION OF EXT.R6(a) .

EXT.R6(b) : TRUE COPY OF THE COMPLAINT FILED BY SRI.PRADEEP TO
THE DISTRICT COLLECTOR, PALAKKAD DATED 12.9.2014.

EXT.R6(b) (i) : TRUE ENGLISH TRANSLATION OF EXT.R6(b) .

EXT.R6(c) : TRUE COPY OF THE DECISION OF THE MEETING OF THE
9TH RESPONDENT PANCHAYATH IN ITS MEETING HELD ON 20.5.2010.

EXT.R6(c) (i) : TRUE ENGLISH TRANSLATION OF EXT.R6(c) .

EXT.R6(d) : TRUE COPY OFD THE PROCEEDINGS DATED 27.10.2012 OF
THE 9TH RESPONDENT GRAMA PANCHAYATH.

EXT.R6(d) (i) : TRUE ENGLISH TRANSLATION OF EXT.R6(d) .

EXT.R9(a) : TRUE COPY OF THE RECOMMENDATION SUBMITTED BY THE
SUB COMMITTEE DATED 26/4/2010 WITH ENGLISH TRANSLATION.

EXT.R9(b) : TRUE COPY OF THE RELEVANT PORTION OF THE
RESOLUTION DATED 20.5.2010 WITH ENGLISH TRANSLATION.

EXT.R9(c) : TRUE COPY OF THE NOTICE FOR CONVENING MEETING ON
5.6.2010 WITH ENGLISH TRANSLATION.

EXT.R9(d) : TRUE COPY OF THE DECISION TAKEN ON BY THE
PANCHAYAT COMMITTEE HELD ON 30.9.2014 WITH ENGLISH
TRANSLATION.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
K. VINOD CHANDRAN, J.**

W.P.(C) No.25516 of 2014

Dated this the 18th day of September 2015

J U D G M E N T

Vinod Chandran, J.

The petitioner has approached this Court seeking for police protection against the illegal parking of vehicles in front of his business premises, which allegedly causes obstruction of ingress and egress to his premises. The petitioner then, being informed by the Panchayat that there is no sanctioned parking space, filed a writ petition, W.P.(C) No.27941 of 2014, to stop the parking in front of the petitioner's shop, which was used as a taxi stand. This Court on 17.8.2015 passed an order directing that the property of the petitioner should not be blocked by respondents 6 to 8 by parking their vehicles.

2. Now, the question of whether there is a valid parking space alone remains to be considered, which could as well be considered by the learned Single Judge in W.P.(C) No.27941 of 2014.

Under such circumstances, we close this writ petition. However, leaving the parties to urge all contentions before the

W.P.(C) No.25516 of 2014

-: 2 :-

learned Single Judge in W.P.(C) No.27941 of 2014, wherein the interim order dated 17.8.2015 shall continue till the disposal of the said writ petition or till such time it is modified.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
K. VINOD CHANDRAN
JUDGE

Jvt/25.9.2015.