

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 25741 of 2015 (P)

PETITIONERS:

1. SAIDALAVI, AGED 29 YEARS, S/O. ABDU,
NADUVILNALAKATH HOUSE, PANANGATTOOR,
TANUR, MALAPPURAM DISTRICT.
2. YASIK, AGED 33 YEARS, S/O. ABBAS,
PANANGATTOOR, TANUR,
MALAPPURAM DISTRICT.
3. AKHILESH P.T., S/O. UNNIKRISHNAN,
KAVUNGAL HOUSE, PARIYAPURAM P.O.,
TANUR, MALAPPURAM DISTRICT.

BY ADVS. SRI. BABU S. NAIR
SMT. SMITHA BABU

RESPONDENTS:

1. THE TANUR GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY,
TANUR, MALAPPURAM DISTRICT, PIN - 676302.
2. THE ASSISTANT EXECUTIVE ENGINEER,
P.W.D.(ROADS), TIRUR,
MALAPPURAM DISTRICT PIN-676101.
3. THE SUB INSPECTOR OF POLICE
TANUR POLICE STATION,
MALAPPURAM DISTRICT, PIN-676302.
- Addl. 4. SAIDALAVI, AGED 53 YEARS,
S/O. MOIDEEN HAJI, KALATHIL HOUSE,
K. PURAM P.O. - 676 302, TANUR,
MALAPPURAM DISTRICT.
- Addl. 5. NANDAKUMAR, AGED 36 YEARS,
S/O. KUNHIMON, KAVAYAKATH HOUSE,
K. PURAM PO- 676 302, TANUR,
MALAPPURAM DISTRICT.

WP(C) NO. 25741/2015

ADDL.R4 AND R5 ARE IMPEADED AS PER ORDER DATED 08.10.2015 IN IA
13566/15.

R1 BY ADV. SRI.K.T.SHYAMKUMAR
R1 BY ADV. SRI.HARISH R. MENON
ADDL.4 & 5 BY ADV. SRI.JAMSHEED HAFIZ
BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OWNED BY THE FIRST PETITIONER.
- EXHIBIT P2 - TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OWNED BY THE SECOND PETITIONER.
- EXHIBIT P3 - TRUE COPY OF THE CONTRACT CARRIAGE PERMIT ISSUED IN RESPECT OF THE VEHICLE OF THE 1ST PETITIONER.
- EXHIBIT P4 - TRUE COPY OF THE CONTRACT CARRIAGE PERMIT ISSUED IN RESPECT OF THE VEHICLE OF THE 2ND PETITIONER.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R1(a) - A TRUE COPY OF THE DECISION TAKEN IN THE MEETING DATED 01.10.2013.
- EXHIBIT R1(b) - A TRUE COPY OF THE DECISION TAKEN BY THE GOVERNING BODY DATED 21.10.2013.
- EXHIBIT R4(a) - TRUE COPY OF THE DECISION OF THE PANCHAYATH DATED 21.10.2013.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

W.P.(C). NO. 25741 OF 2015

Dated this the 17th day of December, 2015

JUDGMENT

The Regional Transport Authority, Malappuram is suo motu impleaded as the additional sixth respondent on whose behalf the Government Pleader was heard. Its junction in the writ petition is required to resolve the controversy as regards the right to park vehicles. The place hitherto used for parking belongs to the Public Works Department of which the second respondent is the Assistant Executive Engineer. There cannot be a unilateral decision of the Panchayth to locate the parking stand without the Regional Transport Authority applying its mind.

2. Anyone of the parties to the writ petition are at liberty to alert the Regional Transport Authority, Malappuram by an appropriate application. The Regional Transport Authority shall thereupon convene a joint meeting to which respondents 1 to 3 shall be parties. The

petitioners as well as additional respondents 4 and 5 shall also be put on notice and heard before a decision is taken. Such decision shall be taken within a period of six weeks from the date of receipt of a copy of this judgment. The interim order in force in the writ petition would continue to operate till the Regional Transport Authority takes a decision.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS