

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

WP(C).No. 27492 of 2014 (J)

PETITIONER(S):

1. **ALI AKBAR K.**
S/O.UMMER, KANNATHADI HOUSE
VALLIKKAPATTA.P.O. MANKADA VIA
MALAPPURAM DISTRICT, PROPRIETOR, ROYAL STEPS, OPP.SBT
WANDOOR.
2. **IQUBAL.V**
S/O HASSAN HAJI, VALIYATODI HOUSE, KANNADIKADAVU.P.O.
PERINTHALMANNA, MALAPPURAM DISTRICT, PROPERIETOR
ALFA ENGINEERING, OPP. SBT, WANDOOR.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENT(S):

1. **THE REGIONAL TRANSPORT AUTHORITY**
MALAPPURAM, PIN - 676 505.
2. **THE SECRETARY**
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM
PIN - 676 505.
3. **THE SUB INSPECTOR OF POLICE**
WANDOOR POLICE STATION, WANDOOR, PIN - 679 328.
4. **THE WANDOOR GRAMA PANCHAYAT**
WANDOOR, MALAPPURAM DISTRICT, PIN - 679 328
REPRESENTED BY ITS SECRETARY.

ADDITIONAL RESPONDENT:

Addl.5. THE AUTO THOZHILALI UNION (INTUC)
WANDOOR PO, MALAPPURAM DISTRICT, PIN - 679 328
REPRESENTED BY ITS PRESIDENT SRI.K.P.UNNIKRISHNAN
(ADDL.R5 IMPEADED AS PER ORDER DATED 11.11.2014 IN IA 15117/14)

R5 BY ADV. SRI.K.ANAND
R5 BY ADV. SRI.K.V.RAJENDRAN (WANDOOR)
R BY GOVERNMENT PLEADER SRI. R. RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE
PETITIONERS BEFORE THE 3RD RESPONDENT DATED 29/09/2014.**

**EXHIBIT P2: TRUE COPY OF THE ACKNOWLEDGMENT REGARDING THE RECEIPT OF
THE COMPLAINT BY THE 3RD RESPONDENT 29/09/2014.**

**EXHIBIT P3: TRUE COPY OF THE ACKNOWLEDGMENT REGARDING THE RECEIPT OF
THE COMPLAINT BY THE 2ND RESPONDENT DATED 30/09/2014.**

**EXHIBIT P4: TRUE COPY OF THE ACKNOWLEDGMENT REGARDING THE RECEIPT OF
THE COMPLAINT BY THE 4TH RESPONDENT DATED 01/10/2014.**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.
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W.P.(C) No.27492 of 2014 - J
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Dated this the 3rd day of February, 2015

J U D G M E N T

The petitioners are aggrieved with the parking of autorickshaws and mini goods carriage vehicles in front of their shops. The petitioners contend that, in fact the parking place was opposite the bus stand and the same has been directed to be transferred to the present place by the 3rd respondent. The petitioners are aggrieved with the parking of the vehicles insofar as they hamper ingress and egress into their business establishments.

2. The additional 5th respondent, who is the Auto Thozhilali Union (I.N.T.U.C) have filed a counter affidavit contending that, the petitioners cannot raise such contentions, since, the present parking place is not a permanent place as fixed by the Regional Transport Authority (R.T.A), but, is only a temporary arrangement.

3. The learned Government Pleader submits on

instructions from the 3rd respondent that, it was the Traffic Regulatory Committee, who had directed the shifting of the parking place to the present spot. Looking at the provisions of the Kerala Police Act, 2011 and the Kerala Motor Vehicles Rules, 1989, the power to decide upon the parking place is on the R.T.A as per Rule 344 of the M.V. Rules.

4. The Traffic Regulatory Committee constituted under Section 72 of the Police Act has only an advisory capacity, in which a representative of the R.T.A is also a member. Looking at Section 72 of the Police Act and Rule 344 of the M.V. Rules, a cohesive attempt has to be made by various authorities in consultation with the Local Self Government Institution. The Local Self Government Institution has the duty to ear-mark a place, where parking of autorickshaws and mini goods carriage vehicles have to be done. The Traffic Regulatory Committee could advise the R.T.A on specifying such parking place and due weightage has to be given to such advice of a Committee in

which, the head of the Local Self Government Institution, is the Chairman and the nominees of the District Magistrate, District Police Chief, Regional Transport Officer and the Executive Engineer of the Public Works Department, are members.

5. Considering the hardship pleaded by the petitioners as also the statutory provisions as indicated above, it is only proper that the R.T.A consider the matter after hearing the parties and seeking the opinion of the Traffic Regulatory Committee also. The R.T.A before passing such an order shall hear the affected parties being the petitioners and any association of autorickshaw drivers or mini goods carriage vehicle's, for whom the parking place is to be specified. The petitioners shall produce the certified copy of this judgment before the R.T.A and comply with the directions herein, after issuing notice to the concerned parties within a period of three months from today. It is also made clear that, though parking can be

carried on in the place now specified, till orders are passed by the Traffic Regulatory Committee; that shall be without causing hindrance to the business establishments.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.