

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 27548 of 2014 (P)

PETITIONER(S) :

1. **K.E. ANSAR, AGED 33 YEARS**
S/O.IBRAHIM, 5/752, KANAMPURAM HOUSE
NOCHIMA, N.A.D. P.O., ALUVA TALUK
PIN-683563.
2. **P.A.ABDUL BASHEER, AGED 38 YEARS**
S/O.ALI, 8/73, PALLIKKAL HOUSE
V.K.COLONY P.O., EDATHALA, ALUVA TALUK
PIN-682021.
3. **M.MANIKANDAN, AGED 33 YEARS**
S/O.MAHALINGAM, THAIKKAATTU HOUSE, ADIVARAM
NOCHIMA, N.A.D. P.O., ALUVA , PIN-683563.
4. **C.K.IBRAHIM, AGED 51 YEARS**
S/O.KATHAR, 6/889 B, (3/529)
CHALAKKARA HOUSE, THRIKKAKARA P.O.,
ERNAKULAM, PIN-682021.
5. **K.M.SHAMEER, AGED 31 YEARS**
S/O.MUHAMMED, KOOTTANAMKUDY HOUSE, NOCHIMA
N.A.D. P.O., ALUVA, PIN-683563.

BY ADV. SRI.V.N.SUNIL KUMAR

RESPONDENT(S) :

1. **JOINT REGIONAL TRANSPORT OFFICER,**
CIVIL STATION, KAKKANAD, THRIKKAKARA P.O.
ERNAKULAM, PIN-682021.
2. **MUNICIPAL SECRETARY,**
KALAMASSERY MUNICIPALITY, MUNICIPAL OFFICE
KALAMASSERY P.O., PIN-683104.

3. CIRCLE INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, KALAMASSERY,
PIN-683104.

4. DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD
PIN-682030.

R1, R3 & R4 BY GOVT. PLEADER SRI. R. RANJITH
R2 BY SRI.M.K.ABOOBACKER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

WP(C).No. 27548 of 2014 (P)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: COPY OF THE PERMIT WITH RESPECT TO VEHICLE NUMBER
KL-41-G-2453 IN THE NAME OF THE 1ST PETITIONER.
- EXT. P1(a): COPY OF THE PERMIT WITH RESPECT TO VEHICLE NUMBER
KL-41-H-1343 IN THE NAME OF THE 2ND PETITIONER.
- EXT. P1(b): COPY OF THE PERMIT WITH RESPECT TO VEHICLE NUMBER
KL-41-H-943 IN THE NAME OF THE 3RD PETITIONER.
- EXT. P1(c): COPY OF THE PERMIT WITH RESPECT OF VEHICLE NUMBER
KL-07-BX-8541 IN THE NAME OF THE 4TH PETITIONER.
- EXT. P2: COPY OF THE DRIVING LICENSE OF THE 5TH PETITIONER.
- EXT. P2(a): COPY OF THE PERMIT WITH RESPECT OF VEHICLE NUMBER
KL-07-BZ-2058.
- EXT. P3: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS
BEFORE THE 1ST RESPONDENT DATED 5.2.2014.
- EXT. P4: COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE 4TH
RESPONDENT DATED 5.2.2014.
- EXT. P5: COPY OF THE ACKNOWLEDGMENT ISSUED FROM THE OFFICE OF
THE 2ND RESPONDENT DATED 1.3.2014.
- EXT. P6: COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE
2ND RESPONDENT DATED 13.3.2014.
- EXT. P7: COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE
3RD RESPONDENT DATED 1.3.2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 27548 of 2014

Dated this the 08th day of January, 2015

J U D G M E N T

The petitioners are auto drivers plying their auto rickshaws within the area of Kalamassery Municipality. The petitioners seek for consideration of a representation produced at Ext.P3, which has been acknowledged by the Regional Transport Authority at Ext.P4.

2. I have heard the learned Government Pleader appearing for the respondents, 1, 3 and 4 and the learned counsel appearing for the 2nd respondent. The learned Government Pleader submits that on receipt of Ext.P3, the Joint Regional Transport Officer, the 1st respondent herein had, in fact, requested the Local Self Government Institution, the 2nd respondent herein to identify a parking place and also call for suggestions on Ext.P3 representation. The same has not been responded to till date; is the contention.

3. The counsel for the 2nd respondent however,

submits that the prayer of the petitioner in Ext.P3 is to provide a parking place in front of the Medical College, which is impossible of compliance since, there is no space at that place. In any event, it is for the Local Self Government Institution to identify a proper parking place and intimate the same to the RTO who has to place the same before the Regional Transport Authority and decide upon the issue under Section 117 of the Motor Vehicles Act, 1988 and Rule 344 of the Central Motor Vehicles Rules.

4. In such circumstance, the 2nd respondent is directed to identify a parking place and intimate the same to the Joint Regional Transport Officer, within a period of two months from the date of receipt of a copy of this judgment.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge