

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C) .No. 28351 of 2014 (T)

PETITIONER(S) :

1. RASHEED P.,
AGED 35 YEARS, S/O.MUHAMMED,
PULLANIKADU HOUSE, TIRUR P.O.,
MALAPPURAM DISTRICT.
2. NAZEER M.,
AGED 33 YEARS, S/O.ALIKUTTY,
RESIDING AT MADAYAPORATH HOUSE, CHEMBRA,
MEENDATHUR P.O., TIRUR, MALAPPURAM DISTRICT.
3. RIYAS.K.K.,
AGED 30 YEARS, S/O.SAIDALAVI K.K.,
KAITHINIKADAVATHE HOUSE,
NORTH MUTHUR, TIRUR P.O.,
MALAPPURAM DISTRICT.
4. SIDIQUE,
AGED 37 YEARS, S/O.MOLI,
RESIDING AT KIZHAKAMKUNNATH HOUSE,
TIRUR P.O., MALAPPURAM DISTRICT.
5. T.ABDULSALAM,
AGED 44 YEARS, S/O.KUNHIMUHAMMED,
THARAMMEL HOUSE, KOTILLATHUAPADAM,
P.O. TIRUR, MALAPPURAM DISTRICT.
6. SIDIQUE T.P.,
AGED 48 YEARS, S/O.MOHAMMED,
THALAPPARAMBIL HOUSE, TIRUR,
MALAPPURAM DISTRICT
7. MOOSA,
S/O.SAIDALI, AGED 53 YEARS,
POOLAKKAL HOUSE, TIRUR, MALAPPURAM DISTRICT.

8. MOHAMMED,
AGED 53 YEARS, S/O.KUNHIMOYIDEEN HAJI,
KANDATH HOUSE, TIRUR,
MALAPPURAM DISTRICT.
9. ABDUL SAMMATH,
AGED 40 YEARS, S/O.SAIDALAVI,
KANNACHANPATTE HOUSE, P.O.POOKAYIL,
TIRUR, MALAPPURAM DISTRICT.
10. VENUGOPALAN,
AGED 62 YEARS, S/O.APPUPILLAI,
MYMOONATH QUARTERS, THEKKUMURI P.O.,
THALAKKAD VILLAGE, TIRUR,
MALAPPURAM DISTRICT.

BY ADVS.SRI.HARISH R. MENON
SRI.K.T.SHYAMKUMAR.

RESPONDENT (S) :

1. THE TRANSPORT COMMISSIONER,
TRANSPORT COMMISSIONER OFFICE,
THIRUVANANTHAPURAM - 695 001.
2. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, MALAPPURAM,
MALAPPURAM DISTRICT - 676 505.
3. THE SUB REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, TIRUR,
MALAPPURAM DISTRICT-676101.
4. TIRUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, TIRUR,
MALAPPURAM DISTRICT - 676 101.

*ADDL. R5 IS IMPEADED

R5. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM DISTRICT.

(* SUO MOTU IMPEADED AS ADDL. R5 AS PER ORDER DATED
19/02/2015) .

R4 BY ADV. SRI.P.K.VIJAYAMOHANAN
R4 BY ADV. SRI.NISHIL P.S.
BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1: A TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 12/10/2013.
- EXT. P2: A TRUE COPY OF THE ORDER 9/12/2013 ISSUED BY THE 3RD RESPONDENT.
- EXT. P3: A TRUE COPY OF THE ORDER DATED 4/12/2011.
- EXT. P4: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 1ST PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P5: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 2ND PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P6: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 3RD PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P7: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 4TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P8: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 5TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P9: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 6TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P10: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 7TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P11: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 8TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P12: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 9TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P13: THE TRUE COPIES OF THE PERMITS ISSUED TO THE 10TH PETITIONER AFTER FIXING NEW HALTING PLACES.
- EXT. P14: A TRUE COPY OF THE PERMIT ISSUED TO MR.SURESH, S/O.KUNHAN, KURUPATH HOUSE, B.P.ANGADY, MALAPPURAM DISTRICT, OWNER OF AUTORIKSHAW BEARING NO.KL 55Q 7088.
- EXT. P15: A TRUE COPY OF THE PERMIT ISSUED TO MR.FAISAL, S/O.BHAVA, VAYALALE HOUSE, TIRUR P.O., MALAPPURAM DISTRICT, OWNHER OF AUTORIKSHAW BEARING NO. KL 55K 7813.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K.VINOD CHANDRAN, J

W.P.(C) No. 28351 of 2014

Dated this the 19th day of February, 2015

JUDGMENT

The petitioners are contract carriage permit holders operating within the Tirur Municipality area. Petitioners were issued with such permits indicated at Exts.P4 to P13; where the petitioners were granted specific halting places, within the Tirur Municipality. The petitioners' contention is that, as per Exts.P1 and P2, originally the petitioners were permitted to park vehicles at any place within the Tirur Municipality, so as to pick fares. Though parking places, were specified in the contract carriage permits, they were operating within the municipal area, picking fares from any of the designated parking spots.

2. At present the grievance of the petitioners is that the petitioners, who have obtained contract carriages, at an earlier point of time, have been asked to confine their parking only in the place specified in their contract carriage permits. However new permits have been issued, with specific endorsement, that the halting can be at any convenient parking place within the Tirur Municipality. Petitioners have produced Exts.P14 and P15, issued very recently, to evidence the endorsement made in the new permits; which benefit has been denied to the

petitioners.

3. Admittedly the petitioners are persons who have been carrying on operation of contract carriages within the Tirur Municipality for long. True, their permits indicate a specific parking place, which has also been shifted, as per the decision of the RTA. However without overturning the decisions at Exts.P1 and P2, the RTA cannot restrict their parking to designated spots as indicated in Exts.P4 to P13 contract carriage permits.

4. The discrimination alleged is evidenced by Exts.P14 and P15, which is also a factual aspect, that compels this Court to issue a direction to the RTA to decide upon the issue after hearing the contract carriage permit holders and arrive at a reasonable method, by which the parking is to be allowed within the Tirur Municipality area and uniform treatment is ensured of all the permit holders.

5. The petitioners shall file a representation, before the second respondent who is the Secretary of the RTA and the same shall be placed before the RTA, Malappuram District. The RTA, Malappuram District is *suo motu* impleaded as additional 5th respondent. Registry shall carry out impleadment before

issuance of certified copy. The RTA shall consider the issue and pass orders, ensuring that uniform treatment is meted out to all contract carriage permit holders within three months from the date of receipt of a certified copy of this judgment.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE

//true copy//

P.A. to Judge

smv