

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 29564 of 2014 (U)

PETITIONER(S):

**CHALAKKUDY AREA MOTOR CAB ORGANIZATION,
REPRESENTED BY ITS PRESIDENT,
ADV.C.I.VARGHESE, CHALAKKUDY P.O., PIN-680307.**

BY ADV. SRI.SAIGI JACOB PALATTY

RESPONDENT(S):

- 1. CHALAKKUDY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
CHALAKKUDY - 680 307.**
- 2. THE JOINT REGIONAL TRANSPORT OFFICER,
CHALAKKUDY, PIN-680307.**
- 3. THE SUB INSPECTOR OF POLICE,
CHALAKKUDY - 680 301.**
- 4. AUTO DRIVERS' UNION CITU,
CHALAKKUDY MARKET UNIT,
REPRESENTED BY ITS SECRETARY,
NEAR MAVELI STORE, MARKET ROAD,
CHALAKKUDY - 680 307.**

**R1 BY ADV. SRI.SHEEJO CHACKO, SC
R2 & R3 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R4 BY ADVS. SRI.K.S.RAJESH
SRI.M.SHAJU PURUSHOTHAMAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 : TRUE COPY OF THE RESOLUTION PASSED BY THE MEMBERS OF THE PETITIONER ASSOCIATION ELECTING ITS OFFICE BEARERS.
- EXT.P2 : TRUE COPY OF THE CONTACT CARRIAGE PERMIT ISSUED BY THE 2ND RESPONDENT.
- EXT.P3 : TRUE COPY OF THE CONTACT CARRIAGE PERMIT ISSUED BY THE 2ND RESPONDENT.
- EXT.P4 : TRUE COPY OF THE CONTACT CARRIAGE PERMIT ISSUED BY THE 2ND RESPONDENT.
- EXT.P5 : TRUE COPY OF THE PERMIT ISSUED BY THE 1ST RESPONDENT MUNICIPALITY TO VEHICLE KI 64A4145.
- EXT.P6 : TRUE COPY OF THE PERMIT ISSUED BY THE 1ST RESPONDENT MUNICIPALITY TO VEHICLE KL 64 B 4947.
- EXT.P7 : TRUE COPY OF THE PERMIT ISSUED BY THE 1ST RESPONDENT MUNICIPALITY VEHICLE KL 64 B 1857.
- EXT.P8 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT MUNICIPALITY.
- EXT.P9 : TRUE COPY OF THE JUDGMENT IN WPC 18742/2013.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.29564 of 2014

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Dated this the 19th day of June, 2015

JUDGMENT

Alleging inaction on the part of the respondents in providing a separate auto-taxi stand for the petitioner, the petitioner has come up before this Court.

2. This petitioner is aggrieved by the inaction of the respondent municipality in not providing separate auto taxi stands for its members, by separately delineating, by fixing boards in the municipality area, despite providing permit by the municipality. The members of the 4th respondent union are obstructing the members of the petitioner from plying their vehicles from the existing stands. There are several instances of man handling and causing damage to the vehicles.

3. Even though a petition was filed before the 3rd respondent, they are not taking any action. The members of the petitioner are not

permitted to ply their vehicles from the stands. It has resulted in deprivation of livelihood of the members of the petitioner organisation; it is alleged. The petitioner further alleges that the members are entitled to operate from the present stands till an alternative arrangement is made by the first respondent delineating separate stands for auto taxis. It is with this background, the petitioner has approached this Court.

4. Arguments have been heard.

5. The learned standing counsel for the respondent municipality on instructions submitted that altogether there are 39 auto-taxi stands within the local limits of respondent municipality and about 50 vehicles of an average are plying from each stand and there is not scope for admitting further vehicles in any of those stands due to scarcity of space. The learned standing counsel inviting my attention to Ext.P8 representation dated 22.8.2014 submitted that the petitioner had admitted that they were provided separate auto-taxi stand near

the Eye Vision Hospital at Chalakkudy.

In the light of the said admission, this Court is of the view that the writ petition can be closed permitting the petitioner organization to operate from the Eye Vision Hospital, Chalakkudy. I do so.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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