

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).NO. 30334 OF 2014 (N)  
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PETITIONER(S):  
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HUSSAIN, S/O. KAMMU, AREEKATTU HOUSE, 8/427,  
KANJIRAPARAMBA, CALICUT AIRPORT P.O.,  
MALAPPURAM DISTRICT.

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

RESPONDENT(S):  
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1. THE AIRPORT DIRECTOR,  
CALICUT AIRPORT, CALICUT AIRPORT P.O.,  
MALAPPURAM DISTRICT - 673 647.

\* ADDL. R2 IMPEADED

2. THE CALICUT AIRPORT TAXI DRIVERS  
CO-ORDINATION COMMITTEE,  
REPRESENTED BY ITS SECRETARY,  
CALICUT AIRPORT P.O., MALAPPURAM DISTRICT,  
PIN-673 647.

\* ADDL. R2 IS IMPEADED AS PER ORDER DATED 01/12/2014 IN  
I.A. NO.16442/2014.

\*\* ADDL. R3 & R4 IMPEADED

3. KUNJUMOHAMMED. K., PULASSERY HOUSE,  
P.O. CALICUT AIRPORT, KONDOTTY,  
MALAPPURAM.

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**4. K.C. ABDUL KAREEM, S/O.ALAVI,  
LICENSEE TO OPERATE TAXI SERVICES  
IN CALICUT AIRPORT, JASNA MANZIL,  
NADUVAKKAD, P.O. MAMPAD,  
MALAPPURAM DISTRICT, PIN-676 542.**

**\*\* ADDL. R3 & R4 SUO MOTU IMPEADED AS PER ORDER  
DATED 23/01/2015 IN RP NO.84/2015 AND R.P. NO.85/2015.**

**R1 BY ADV. SRI.S.SUJIN.  
ADDL. R2 BY ADV. SRI.P.VENUGOPAL.  
ADDL. R3 BY ADVS. SRI.P.C.SASIDHARAN,  
SRI.ARAVINDA KUMAR BABU T.K.  
ADDL. R4 BY ADVS. SRI.K.M.SATHYANATHA MENON,  
SMT.KAVERY S THAMPI.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE MEMBERSHIP CARD BY THE MALAPPURAM JILLA TAXI WORKERS UNION, CALICUT AIRPORT, WAY BACK IN 1987.
- EXT.P2 COPY OF THE RECEIPTS ISSUED FOR VARIOUS PERIODS TO THE PETITIONER FOR HIS TAXI CAR.
- EXT.P3 COPY OF THE MEMBERSHIP CARD OF THE PETITIONER, SHOWING THAT HE IS MEMBER OF THE CO-ORDINATION COMMITTEE.
- EXT.P4 COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE PETITIONER ISSUED BY THE REGISTERING AUTHORITY, MALAPPURAM DATED 31/07/2006.
- EXT.P5 COPY OF THE GOODS CARRIAGE PERMIT ISSUED BY THE REGIONAL TRANSPORT AUTHORITY, MALAPPURAM DATED 18/10/2014.
- EXT.P6 COPY OF THE JUDGMENT DATED 28/10/2014 IN WP(C).NO.28219/2014 OF THIS HON'BLE COURT.
- EXT.P7 COPY OF THE ORDER OF THE FIRST RESPONDENT DATED 15/01/2015.
- EXT.P8 COPY OF THE RELEVANT PAGE OF THE LIST OF THE DRIVERS ON 18/05/2002.
- EXT.P9 COPY OF THE RECEIPTS ISSUED BY THE CALICUT AIRPORT TAXI CAR DRIVERS UNION DATED 31/08/2005 & 14/11/2005.
- EXT.P10 COPY OF THE IDENTITY CARDS ISSUED TO THE PETITIONER FOR THE VARIOUS PERIODS.
- EXT.P11 COPY OF THE RECEIPTS ISSUED TO THE PETITIONER THE CALICUT AIRPORT TAXI CAR DRIVERS UNION TILL 05/01/2015.

RESPONDENT'S EXHIBITS:-

- EXT.R4A COPY OF THE JUDGMENT DATED 03/10/2007 IN WP(C).NO. 33730/2005.
- EXT.R4B COPY OF THE JUDGMENT DATED 24/02/2014 IN WP(C).NO. 4627/2014.

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**EXT.R4C      COPY OF THE RELEVANT PARTICULARS OF THE REGISTRATION  
CERTIFICATE OF VEHICLE NO.KL-13-Q-7795.**

**EXT.R4D      COPY OF THE REGISTRATION DETAILS VEHICLE NO.KL-01-8163  
WAS SRI.KUNHUMHAMMED.**

**EXT.R4A & EXT.R4B FILED ALONG WITH COUNTER AFFIDAVIT DTD.29/01/2015**

**EXT.R4A      COPY OF THE RELEVANT EXTRACT OF THE REGISTRATION BOOK.**

**EXT.R4B      COPY OF THE CODE OF CONDUCT OF PREPAID TAXI COUNTER.**

**//TRUE COPY//**

**P.A TO JUDGE**

**rs.**

**A.MUHAMED MUSTAQUE, J.**

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WP(C).No.30334 of 2014-N.  
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Dated this the 15<sup>th</sup> day of December, 2014.

**J U D G M E N T**

The petitioner is the Taxi Driver operating with the premises of Calicut Airport. The petitioner submits that he is a member of 2<sup>nd</sup> respondent Union. The petitioner submits that he has purchased a new car to replace the old car and wants to operate with his new car from the premises of Calicut Airport under the pre-paid scheme. The petitioner was threatened with disruption of the service by the Union. The petitioner has approached this Court for police protection. The Division Bench of this Court noted that the petitioner's vehicle has not been registered with the Airport Director, the first respondent herein, and it is open for the petitioner to approach the police authority after registration of the vehicle with the Airport Director. The judgment is produced as Ext.P6. The petitioner has approached the first respondent for registration that was

declined. Accordingly the petitioner has approached this Court.

2. The learned Standing Counsel for the first respondent points out that the direction in Ext.P6 is based on the pleadings of the petitioner and no decision has been taken by the Division Bench whether the first respondent or the second respondent has to take a decision as to the operation of taxi by the petitioner. It is further pointed out that it is purely a matter within the second respondent and not for the first respondent to interfere with. It is also submitted that the internal matters between the members has to be sorted out by the members and not by the first respondent as they have no role to interfere with this matter. The notice issued to the second respondent has been returned stating that there is no post of Secretary. The first respondent admits that they have given permission to operate the taxi to the second respondent. The second respondent operates or permits to member to operate the

taxi based on the permission granted by the first respondent. Though rights of any member of the Union may be referable to the bylaws of the Union or otherwise, but the paramount right to operate taxi is based on the decision of the first respondent granting permission to the second respondent. In normal circumstances the first respondent is not expected to intervene any internal matter of the second respondent. However, when the right to operate taxi has been granted to the petitioner, the same cannot be denied arbitrarily for the reason that he seeks to replace the old vehicle with new one. Therefore, being an authority vested with power to control the activities of taxi drivers in the Airport premises, the first respondent shall necessarily interfere with the matter. Therefore, the first respondent shall see that merely for the reason that the petitioner has replaced his vehicle he shall not be denied the right to operate the vehicle from the premises of the Calicut Airport under the prepaid system. Therefore, the first respondent shall take necessary action

in this matter and to consider the petitioner's request. If the petitioner is continued to be a member and has permit to operate with old vehicle, the first respondent ensure that no right of the petitioner is denied merely for the reason that he has replaced his vehicle. Necessary action shall be taken after hearing the petitioner and the office bearers of the second respondent within a period of two weeks.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,  
(Judge)**

**Kvs/-**