

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 30161 of 2015 (U)

PETITIONER(S):

1. MOHAMMED RAFI A.P., S/O.KUNHAYIN,
AGED 35 YEARS, MELEDATHPARAMBIL HOUSE, PALAZHI,
GURUVAYURAPPAN COLLEGE. P.O., KOZHIKODE DISTRICT.
2. SHANIB, AGED 26 YEARS,
S/O.ABDUL RAHMAN, 1/292, (UL),
KAVUMCHERY HOUSE, IRINGALLUR. P.O.,
OLAPPANNA, KOZHIKODE DISTRICT.
3. NISSAR, AGED 36 YEARS,
S/O.KOYAMU, 21/136, NALUKANDI HOUSE,
KOMERI. P.O., KOZHIKODE DISTRICT.
4. ABDUL LATHEEF, AGED 26 YEARS,
S/O.KADEEJA, PONNAGOTTUKUNNU
GURUVAYURAPPAN COLLEGE. P.O.,
KOZHIKODE DISTRICT.
5. ABDUL MUNEER, AGED 27 YEARS,
S/O.KOYASSAN, VATTAKATTU HOUSE, PALAZHI,
GURUVAYURAPPAN COLLEGE. P.O.,
KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW.

RESPONDENT(S):

1. JAMALUDHEEN C.P., S/O.IMPICHIAMMU,
RESIDING AT C.P. HOUSE, EDATHODU NILAM,
PUTHUMADATHIL, CONVENER, MOTOR & ENGINEERING
WORKERS UNION (INTUC), PALAZHIPALA, HILITE MALL,
GURUVAYURAPPAN COLLEGE. P.O.,
KOZHIKODE DISTRICT-673 001.

WP(C).No. 30161 of 2015 (U)

- 2. BABU, S/O.KUTTAN,
EDAVAZHIPURATHU HOUSE, CONVENER,
MOTOR & ENGINEERING WORKERS UNION (CITU),
PALAZHIPALA, HILITE MALL, GURUVAYURAPPAN COLLEGE. P.O.,
KOZHIKODE DISTRICT-673 001.**
- 3. THE SUB INSPECTOR OF POLICE,
NALLAM POLICE STATION,
KOZHIKODE DISTRICT-673 001.**
- 4. THE REGIONAL TRANSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT OFFICE,
CIVIL STATION, KOZHIKODE-673 001.**
- 5. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**R1 & R2 BY ADVS. SRI.V.T.RAGHUNATH,
SMT.C.V.RAJALAKSHMI.
R3 TO R5 BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE PERMIT OF THE 1ST PETITIONER'S AUTORICKSHAW.
- P2- TRUE COPY OF THE PERMIT OF THE 2ND PETITIONER'S AUTORICKSHAW.
- P3- TRUE COPY OF THE PERMIT OF THE 3RD PETITIONER'S AUTORICKSHAW.
- P4- TRUE COPY OF THE PERMIT OF THE 4TH PETITIONER'S AUTORICKSHAW.
- P5- TRUE COPY OF THE PERMIT OF THE 5TH PETITIONER'S AUTORICKSHAW.
- P6- TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P6(A)- TRUE COPY OF ENGLISH TRANSLATION OF EXT.P6.
- P7- TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT FOR HAVING RECEIVED EXT.P6 WITH ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 30161 of 2015

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Dated this, the 21st day of October, 2015

J U D G M E N T

Shaffique, J.

Petitioners have approached this Court seeking for police protection in the matter relating to parking of autorickshaws in a junction by name Palazhipala, Hilite Mall (Kozhikode) Rural.

2. Petitioners have already obtained permits by which the Secretary, RTA had permitted the petitioners to park their vehicles in the aforesaid place. The allegation of the petitioners is that respondents 1 and 2 and their men are obstructing the petitioners from parking their vehicles in the said area and are preventing the parking and plying of the vehicles from the said stand.

3. Counter affidavit has been filed by respondents 1 and 2 *inter alia* stating that the place mentioned as Palazhipala, Hilite Mall is not an approved auto rickshaw stand and sufficient space

-:2:-

is not available for parking of vehicles. Learned counsel submits that appropriate authority, viz., the 4th respondent has to conduct an enquiry into the matter and ensure whether the parking space could be provided in the said area.

4. Having regard to the aforesaid factual situation, it is clear that the petitioners having been permitted to park their vehicles in the aforesaid area, respondents 1 and 2 or their men can have no right to obstruct the parking of the autorickshaw in the said area. If at all they have any objection regarding such parking space, it is open for them to approach the 4th respondent or the concerned local authority to ventilate their grievance. They cannot take law into their hands and prevent the plying of the vehicles belonging to the petitioners.

Under such circumstances, this writ petition is disposed of as under;

If there is any obstruction from respondents 1 and 2 in the matter relating to parking and plying of vehicles of the petitioners from the aforesaid stand, the 3rd respondent shall ensure

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maintenance of law and order and also ensure that no obstruction is created by respondents 1 and 2.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

21/10/2015

//True Copy//

PS to Judge