

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 32001 of 2014 (A)

PETITIONER(S) :

- 1. MALAPPURAM DISTRICT PRIVATE BUS OPERATORS ASSOCIATION,
DISTRICT UNIT OF KERAZLA STATE PRIVATE BUS OPERATORS
FEDERATION WITHITS REGISTRATION NO.TCR 609/1993,
REPRESENTED BY ITS TREASURER, CALICUT ROAD, MANJERI,
MALAPPURAM DISTRICT.**
- 2. HAMEED KURIKKAL,
MANCHERI HOUSE, VETTIKKATTERI.PO, PANDIKKAD,
MALAPPURAM DISTRICT.**

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT(S) :

- 1. THE REGIONAL TRANSPORT AUTHORITY,
REPRESENTED BY ITS CHAIRMAN CUM DISTRICT COLLECTOR,
MALAPPURAM-676 505.**
- 2. WANDOOOR TRAFFIC REGULATION SAMATHI CUM WANDOOOR GRAMA
PANCHAYATH, REPRESENTED BY ITS PRESIDENT, WANDOOOR,
MALAPPURAM DISTRICT-679 339.**
- 3. THE SUPERINTENDENT OF POLICE,
MALAPPURAM-676 505.**
- 4. THE EXECUTIVE ENGINEER,
PWD, MANJERI, MALAPPURAM-676 122.**
- 5. THE REGIONAL TRANSPORT OFFICER,
MALAPPURAM-676 505.**

**R1, R3 TO R5 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR
BY SRI.ENOCH DAVID SIMON JOEL (ADVOCATE COMMISSIONER)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PERMIT OF THE 2ND PETITIONER WITH ITS NO.P.ST.9/1049/2005.
- EXT.P2: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT WONDOOR GRAMA PANCHAYATH WITHITS ORDER NO.TRC-011/WDR DATED 27.10.2014.
- EXT.P3: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT WONDOOR GRAMA PANCHAYATH WITHITS ORDER NO.TRC-012/WDR DATED 15.11.2014.
- EXT.P4: TRUE COPY OF THE ROUGH SKETCH OF THE ROUTE.
- EXT.P5: TRUE COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DAILY NEWS DATED 06.11.2014.
- EXT.P6: TRUE COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DAILY NEWS DATED 08.11.2014.
- EXT.P7: TRUE COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DAILY NEWS DATED 16.11.2014.
- EXT.P8: TRUE COPY OF THE REPRESENTATION OF THE 1ST PETITIONER DATED 17.11.2014.
- EXT.P9: TRUE COPY OF THE GOVERNMENT ORDER WITH ITS NO. സ.ഉ.(സാധാ) 2861/ആഭ്യന്തരം DATED 24.09.2011.

ADVOCATE COMMISSIONER(S)' ANNEXURES

- ANNEXURE A1: ORIGINAL NOTICE ISSUED TO THE RESPONDENTS ALONG WITH THE POSTAL RECEIPTS AND ACKNOWLEDGEMENT CARDS.
- ANNEXURE A2: ORIGINAL NOTICE SERVED ON THE PARTIES AT THE TIME OF INSPECTION.
- ANNEXURE A3: ROUGH SKETCH OF THE WANDOOD JUNCTION AND THE CONNECTING ROADS.
- ANNEXURE A4: THREE PHOTOGRAPHS SHOWING THE ENTRANCE TO THE ANGADIPOIL BUS STAND.
- ANNEXURE A5: THREE PHOTOGRAPHS SHOWING THE EXIT POINT OF ANGADIPOIL BUS STAND (POINT 'C').
- ANNEXURE A6: THREE PHOTOGRAPHS SHOWING THE WANDOOD JUNCTION (POINT 'B').

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- ANNEXURE A7: TWO PHOTOGRAPHS SHOWING THE AUTO RICKSHAWS
PARKED ON THE OPPOSITE SIDE OF EXIT POINT 'C'.**
- ANNEXURE A8: THREE PHOTOGRAPHS SHOWING THE RIGHT CURVE AT
POINT 'D'.**
- ANNEXURE A9: TWO PHOTOGRAPHS SHOWING THE CURVE AT POINT 'E'.**
- ANNEXURE A10: THREE PHOTOGRAPHS SHOWING THE KALIKAVU-
PERINTHALMANNA BYEPASS (KOORIKUNDU BYEPASS) IN
FRONT OF THE AUDITORIUM.**
- ANNEXURE A11: THREE PHOTOGRAPHS SHOWING THE NILAMBUR-
PERINTHALMANNA (A-B-F) HIGHWAY.**
- ANNEXURE A12: THREE PHOTOGRAPHS SHOWING THE SHOPS AT
THE ENTRANCE AND INSIDE THE ANGADIPOIL BUS STAND.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 32001 of 2014

Dated this the 06th day of March, 2015

J U D G M E N T

The petitioner, an association of bus operators and a stage carriage operator are aggrieved by the traffic regulations brought in at Wandoor. The petitioners were aggrieved insofar as the stage carriages coming from Nilambur were directed to enter Angadipoil Bus stand to the left and then exit to Wandoor Kalikavu road and enter Kurikundu bypass road to reach back to Wandoor so as to enter Manalinmmal Bus Stand.

2. The Angadipoil Bus stand and Manalinmmal Bus Stand are at a distance of just 300 ms. on the main road. By the deviation proposed by the traffic authority, the stage carriages have to go on a circuitous route of 1.6kms to cover the 300 meters. The said deviation poses considerable difficulties including traffic congestion, is the grievance.

3. An Advocate Commissioner was appointed by this Court, who had, with the assistance of the Motor Vehicle Authorities as also the Police, conducted inspection and filed a detailed report dated 11.02.2015. A detailed sketch is produced along with the report as Annexure A3 in which the various points are specifically marked. The Advocate Commissioner too, supports the stand of the petitioners that the stage carriage operators face considerable difficulty in taking the deviation now introduced. According to the report, the distance between Angadipoil Bus stand and Manalinmmal Bus Stand can be covered in 300 meters, if the buses are allowed to ply through Wandoor Junction (Points ABF marked in the report). However, the stage carriages coming from Nilambur are now directed to enter Angadipoil Bus stand at the spot marked as A and exit at C and then turn left to enter Wandoor - Kalikavu road. The difficulty is insofar as at point C the

Wandoor-Kalikavu road is narrow and the autorickshaw stand on the left side of the road, causes considerable difficulty for the stage carriages to turn into the said road from the Angadipoil Bus Stand.

4. Photographs too are produced, from which it is seen that on the Kalikavu-Vaniyambalam road as also on the Koorikundu bypass, especially on the "U" turn, there exists an auditorium, before which often many vehicles are parked on the side of the road. The Advocate Commissioner also has reported that there is considerable difficulty in negotiating the U turn between the Kalikavu - Vaniyambalam road and Koorikundu bypass. The Advocate Commissioner's suggestion, as disclosed from the report, is that the Stage carriages coming from Nilambur could be permitted to move directly to Manalinmmal Bus stand without entering Angadipoil Bus stand since the portion covered at ABF is sufficiently wide to provide two way traffic. Angadipoil

Bus stand, and entry into it, would have to be confined to those buses going to Kalikavu-Vaniyambalam.

5. The petitioners association had also expressed an apprehension before the Advocate Commissioner that the present stipulation of entry into Angadipoil bus stand is only on the pressure exerted by the shop owners within the said bus stand. That alone cannot be the consideration in making a regulation for traffic. This Court is of the prima facie opinion that the report of the Advocate Commissioner deals with the issue in the proper perspective, and the traffic authorities definitely would have to look into the same when considering the issue.

6. The learned Government Pleader, on instruction, submits that the matter is now placed before the RTA. The RTA shall consider the issue after hearing the petitioners as also the respondents, and the PWD authorities. The Wandoor Traffic Regulation Samithi

which is headed by the President of the Panchyath, though issued with notice has not cared to appear here. In any event, if the RTA is of the opinion that the Local Self Government Institution also be heard, they shall also be issued with notice.

7. It is made clear that a feasible traffic regulation should be formulated with public interest and ease of traffic treated as the paramount consideration. The learned Government Pleader shall forward a copy of the Advocate Commissioner's report to the RTA and the RTA while considering the issue, shall give due weightage to the observations made by the Advocate Commissioner. The writ petition stands disposed of directing the RTA to take decision as directed herein within one month from the date of receipt of a copy of this judgment. It is also pointed out that the Stage Carriages of the KSRTC is not entering Angadipoil bus stand and are operating through the Wandoor Junction. This Court places on record its

appreciation of the effort taken by the Advocate Commissioner to detail the entire circumstances and offer meaningful suggestions, in the report submitted.

Writ petition is disposed of with the above directions. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//