

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WP(C).No. 34150 of 2014 (P)

PETITIONER(S) :

LORRY AND TIPPER LORRY OWNERS WELFARE
ASSOCIATION,
EDAVANNA, EDVANNA.P.O.,
REPRESENTED BY ITS SECRETARY
RASHEED.V., S/O. MAMMASSAN, VAYALILAKATH HOUSE
ERANHIKODE.P.O., MALAPPURAM DISTRICT.

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

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR
MALAPPURAM-676505.

2. THE EDAVANNA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, EDAVANNA
MALAPPURAM DISTRICT-673329.

ADDL.R3: SAJI, S/O. JACOB, ELAVANKANDATHIL
HOUSE, EDAKKARA P.O., NILAMBUR MALAPPURAM
DISTRICT

ADDL.R4: INDUKUMRI.P.G., W/O. SAJIKUMAR,
SREE MANGALAM HOUSE, PALEMAD PO.,
SANKARAMKULAM, EDAKKARA NILAMBUR,
MALAPPURAM DISTRICT

ADDL. R5: SALEEM C.P. S/O. MOHAMMED HAJI,
HALIPARAMBIL HOUSE, EDAKKARA P.O., KATTIPPADI
MALAPPURAM

ADDL. R6: HUSSAIN, S/O. KOMU, ARAKKAL HOUSE,
MOOTHEDOM, NILAMBUR

ADDL. R7: SAJEESH, S/O.VIJAYAKUMAR,
KOZHIOURATH HOUSE,
MODAPOIKA P.O., PALAD, NARIVALAMUNDA ,
NILAMBUR, MALAPPURAM DISTRICT,

ADDL. R8: MANOJ, E.J., S/O. JOSEPH,
PALAKKATTU HOUSE, MADAPOIKA, NARIVALAMUNDA
NILAMBUR, MALAPPURAM DISTRICT

ADDL. R3 TO R8 IS IMPEADED AS PER ORDER IN
I.A. NO. 3360/2015 DATED 6-3-2015.

R2 BY ADV. SRI.K.M.SATHYANATHA MENON
& BY BY ADV. SMT.KAVERY S THAMPI

ADDL.R3 TO R8 BY ADV. SRI.P.SAMSUDIN &
ADV. SRI.JITHIN LUKOSE
BY GOVERNMENT PLEADER SRI. MUHAMMED SHAFI

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

WP(C).No. 34150 of 2014 (P)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1. TRUE COPY OF THE INTERIM ORDER DATED 23-5-2014 IN WPC NO. 9127/ 2014 OF THIS HON'BLE COURT.

P2. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 28-4-2014 BEFORE THE 1ST RESPONDENT.

P3. TRUE COPY OF THE JUDGMENT DATED 23-7-2014 IN WPC NO. 17357/2014 OF THIS HON'BLE COURT.

P4. TRUE COPY OF THE ORDER DATED 20-10-2014 PASSED BY THE FIRST RESPONDENT AS NO. DM4-19781/2014.

RESPONDENT(S) ' EXHIBITS

EXT. R3(A): TRUE COPY OF THE UDGMENT DATED 8-8-2011 IN WPC NO. 28871/2010

EXT.R3(B): TRUE COPY OF THE ORDER DATED 6-09-2011 ISSUED BY THE DISTRICT COLLECTOR, MALAPPURAM

EXT. R3 ©: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE EPTITIONERS BEFORE THE SUB INSPECTOR OF POLICE NILAMBUR DATED 24-05-2014

EXT. R3 (D): TRUE COPY OF THE JUDGMENT DATED 2-12-2014 IN W.P.C.NO. 18800/2014

EXT. R3 (E):TRUE COPY OF THE KADAVU WISE SAND PASS REPORT ISSUED BY THE 3RD RESPONDENT PANCHAYATH

/TRUE COPY/

P.S. TO JUDGE

A.M. SHAFFIQUE, J.

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W.P. (C) No. 34150 of 2014 (P)
.....

Dated : 6th March, 2015

JUDGMENT

This Writ Petition is filed for implementing Ext. P4 order dated 20-10-2014 issued by the District Collector, Malappuram. This order came to be issued by the District Collector based on the directions issued by this Court in W.P.C. No. 17357/2014.

2. The factual issue involved in the matter is regarding parking of vehicles in the “kadavu” for transportation of river sand which is to be transported to various consumers who holds valid transport passes. There was some issue relating to parking of the vehicles as the vehicles are of different dimensions which could carry different quantity of sand. Ultimately, the District Collector, in Ext. P4, opined that the customers who have vehicles

can bring the vehicles of their own choice for transportation of river sand and as far the vehicles which are parking in the kadavu is concerned, it should be parked in such a manner, following a queue system, without obstruction to the vehicles that are brought by the consumers directly. Further, it is stated that appropriate steps have to be taken by the Secretary of Edavanna Grama Panchayath, in that regard.

3. The Writ Petition is filed by the Lorry and Tipper Lorry Owners Welfare Association inter alia contending that despite the directions issued by the District Collector, the order is not being strictly implemented. The complaint of the petitioner is that the orders issued by the District Collector is not complied with in letter and spirit.

4. The learned counsel appearing for the Panchayath seeks to get instructions. I.A. No. 3360/2015 has been filed by certain persons in the locality who also claims to be the owners of vehicles. They contend that despite the directions issued by the District Collector in Ext. P4, the consumers who are bringing their own vehicles for transportation of sand, is not being permitted and obstruction is being caused by the members of the petitioner.

5. Having regard to the fact that the District Collector has already issued Ext. P4, it is for the said authority to ensure proper implementation of the said system. The petitioner has approached this Court complaining that there is failure to implement the said system. I do not think that this Court can supervise matters of like nature for which the District Administration has to take appropriate steps with the assistance

of the Grama Panchayath.

Under such circumstances, there will be a direction to the District Collector to ensure that Ext. P4 order is implemented. It is made clear that the right of consumers to bring their own vehicles shall not be deprived in any manner. The Panchayath shall also ensure that a proper mechanism is provided in the matter.

This Writ Petition is disposed of as above.

**Sd/- A.M. SHAFFIQUE
(Judge)**

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P.S. to Judge