

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).NO. 39293 OF 2015 (J)

PETITIONER(S):

MUSTHAFA T.K. AGED 60 YEARS
S/O HAMEED, RESIDING AT THEERTHIKOT,
P.O, CHOKLI, THALASSERY, KANNUR- 670672.

BY ADVS. SRI. C.S. MANU
SRI. S.K. PREMRAJ
SMT. V. SARITHA
MRS. S. SREELAKSHMY
SRI. T.B. SIVAPRASAD
SMT. NEETHU. K. SHAJI
SRI. C.Y. VIJAY KUMAR

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695001.
2. THE SUPERINTENDENT OF POLICE, KOZHIKODE RURAL,
VATAKARA, KOZHIKODE- 673 542
3. SUB INSPECTOR OF POLICE, VATAKARA POLICE STATION,
KOZHIKODE - 673 542
4. KOZHIKODE JILLA MOTOR & ENGINEERING WORKS UNION (CITU),
VATAKARA BUS SECTION COMMITTEE, DWARAKA TOURIST HOME,
NEAR OLD BUS STAND, VATAKARA, KOZHIKODE - 673 542
REPRESENTED BY ITS SECRETARY.

R1-3 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 : TRUE PHOTOSTAT COPY OF THE REGISTRATION CERTIFICATE OF THE
MOTOR BUS BEARING THE REGISTRATION MARK KL-18/A 7227

EXHIBIT P2 : TRUE PHOTOSTAT COPY OF THE REGISTRATION CERTIFICATE OF THE
MOTOR BUS BEARING THE REGISTRATION MARK KL-58/D 7677

EXHIBIT P3 : TRUE PHOTOSTAT COPY OF THE PERMIT OF THE MOTOR BUS BEARING THE
REGISTRATION MARK KL-58/D 7677

EXHIBIT P4 : TRUE PHOTOSTAT COPY OF THE POWER OF ATTORNEY DT.30.3.2015
EXECUTED BY SASIDHARAN TO THE PETITIONER IN RESPECT OF THE
MOTOR BUS BEARING THE REGISTRATION MARK KL-58/D 7677

EXHIBIT P5 : TRUE PHOTOSTAT COPY OF THE ENGLISH TRANSLATION OF THE
REPRESENTATION DT.17.12.2015 SUBMITTED BY THE PETITIONER TO THE
SUB INSPECTOR OF VATAKARA POLICE STATION.

EXHIBIT P6 : TRUE PHOTOSTAT COPY OF THE RECEIPT DT.17.12.2015 ISSUED TO THE
PETITIONER FROM THE VATAKARA POLICE STATION.

EXHIBIT P7 : TRUE PHOTOSTAT COPY OF THE PHOTOGRAPH OF THE PETITIONER'S
MOTOR BUS BEARING THE REGISTRATION MARK KL-58/D 7677

EXHIBIT P8 : TRUE PHOTOSTAT COPY OF THE ORDER DT.15.12.2015 IN WRIT PETITION(C)
NO.38009 OF 2015 ON FILES OF THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

Sou.

ASHOK BHUSHAN, CJ & A.M.SHAFIQUE, J

W.P(C). No. 39293 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Shaffique, J

Government Pleader takes notice for respondent Nos. 1 to 3. No notice being issued to respondent No.4 in view of the order which is being passed.

2. Petitioner submits that he is the owner in possession of a stage carriage bearing registration No.KL-58-D-7677 plying between Kozhikode-Thalassery with valid permit. It is alleged that the fourth respondent and their men are obstructing the operation of the stage carriage alleging certain incidents in which the petitioner is not involved. Though complaint has been given to police, no action has been taken in the matter. Exhibit P5 is the said complaint.

3. Having regard to the nature of averments in the writ petition, we observe that if the petitioner is operating the stage carriage with valid permit, it is the duty of the police to ensure maintenance of law and order and also ensure that the stage carriage is operating without any obstruction.

4. Hence we direct the third respondent to look into Exhibit P5 complaint and take appropriate measures in accordance with law.

The writ petition is disposed of accordingly.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE

sou.22/12/15