IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 4127 OF 2017

PETITIONER:

MUSTHAFA HAJI, AGED 56 YEARS,
S/O LATE KUNJUMUHAMMED, CHOMERI HOUSE, KODATHIPADI,
MANNARKKAD P.O, PALAKKAD DISTRICT- 683 797.

BY ADVS. M/S.R.RAMADAS & T.SIVADASAN

RESPONDENTS:

1 **ANGADIPURAM GRAMA PANCHAYATH,**
REPRESENTED BY ITS SECRETARY, POST ANGADIPURAM,
MALAPPURAM DISTRICT, PIN- 679 321.

2 **THE SECRETARY,**
ANGADIPURAM GRAMA PANCHAYATH, POST ANGADIPURAM,
MALAPPURAM DISTRICT, PIN-679 321.

3 **THE DISTRICT COLLECTOR, MALAPPURAM, PIN – 676 505.**

4 **THE EXECUTIVE ENGINEER,**
PWD (ROAD DIVISION), PERINTHALMANNA, MALAPPURAM
DISTRICT, PIN-679 322.

5 **THE REGIONAL TRANSPORT OFFICER,**
MALAPPURAM, PIN-676 505.

6 **THE SUB INSPECTOR OF POLICE,**
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT,
PIN- 679 322.

*** ADDL.7 ABDUL MAJEED,**
S/O THE LATE MAMMY (BAPU), VADAKETHIL HOUSE, POLICE STATION PADI, KOLATHOOR, MALAPPURAM DISTRICT, PIN-679338.
*** ADDL.R7 IMPLEADED AS PER ORDER DATED 2.3.2017 IN I.A.NO. 3296/2017.**

ADV. SRI. M.P.PRABHAKARAN (PALAKKAD)

SMT.SURYA BINOY, SR.GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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W. P. (C) No. 4127 of 2017

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Dated this the 10th day of April, 2025

JUDGMENT

The petitioner complains of illegal parking by persons, including the additional 7th respondent, preventing the ingress and egress to the petitioner's showroom. The petitioner has prayed for the respondents to be prevented from unauthorisedly using the road puramboke in front of the petitioner's shop building, as a taxi stand without complying with the provisions of the Kerala Panchayat Raj Act and the Rules thereunder.

2. The learned counsel for the petitioner submits that the issue is covered in his favour by the judgment of the Division Bench in ***Noushad M. and Ors. v. State of Kerala and Ors.*** *[MANU/KE/1535/2019],* which held that permitting the private respondents to park autorickshaws unauthorisedly in front of shop rooms and houses obstructing their private right abutting the highway is not at all justified. It is also to be stated that under the provisions of law, till a parking space is designated as such, the respondents cannot use it as a parking place.

3. A counter affidavit has been filed on behalf of the 2nd respondent which

states as follows:

> "*3. It is submitted that subject matter of the case can be traced back to the Ward (18) Puthananghadi. It is submitted that the petitioner had filed a complaint before the panchayath regarding the illegal taxi stand located in front of his commercial building, on 30.1.2017. Based on this complaint, this panchayath already conducted discussions with the petitioner and taxi drivers of that locality. As per the discussion, taxi drivers have given assurance that their parking will not be a hindrance to the petitioner.*
> *4. It is also submitted that I have conducted an inspection at the location and found that no vehicle has been parked in front of the commercial building of the petitioner. Parking of vehicle is illegal as per Sections 227, 228 and 225 of the Kerala Panchayath Raj Act, 1994.*
> *5. At present the panchayath has taken all sufficient steps to, prevent the illegal parking. It is also submitted that this is an issue between petitioner and other individuals. It is for the police department or Motor Vehicle department to act further on this issue.* "

4. The statements made in the counter affidavit are recorded. In case there is any violation in the undertaking made above, appropriate action shall be taken by respondents 1, 3, 5 and 6 in accordance with law to prevent any illegal parking as aforesaid.

The Writ Petition is allowed as above.

Sd/-

MOHAMMED NIAS C. P., JUDGE

MMG

APPENDIX OF WP(C).NO.4127/2017

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE COMPLAINT DATED 18-01-2016 FILED BY THE PETITIONER BEFORE THE 6TH RESPONDENT**
EXHIBIT P2	**TRUE COPY OF THE COMPLAINT DATED 03-03-2016 FILED BY THE PETITIONER BEFORE THE 6TH RESPONDENT**
EXHIBIT P3	**TRUE COPY OF THE PETITION DATED 14-03-2016 SUBMITED BEFORE THE 2ND RESPONDENT**
EXHIBIT P4	**TRUE COPY OF THE COMPLAINT PETITION DATED 31-03-2016 BEFORE THE 3RD RESPONDENT DISTRICT COLLECTOR, MALAPPURAM**
EXHIBIT P5	**TRUE COPY OF THE REPRESENTATION DATED 03-01-2017 FILED BEFORE THE RESPONDENTS BY THE PETITIONER**