

XX vs the State of Kerala,

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SooperKanoon Citation : sooperkanoon.com/1367770

Court : Kerala

Decided On : Nov-02-2023

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : WP(C)/19608/2023

Appellant : XX

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
THURSDAY, THE 2ND DAY OF NOVEMBER 2023 / 11TH KARTHIKA,
1945 PETITIONER: XX XX BY ADVS. ABDUL RAOOF PALLIPATH
K.R.AVINASH (KUNNATH) RESPONDENTS:

1 THE STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, MOTOR VEHICLES DEPARTMENT, GOVERNMENT
SECRETARIAT, TRIVANDRUM, PIN - 695 001. 2 THE REGIONAL
TRANSPORT OFFICER, R.T.O OFFICE, KANNUR, PIN - 670 002. 3
THE REGIONAL TRANSPORT AUTHORITY, REPRESENTED BY ITS
SECRETARY, KANNUR, PIN - 670 002. 4 THE SECRETARY, KANNUR

MUNICIPAL CORPORATION, KANNUR, PIN - 670 001. 5 THE CHAIRMAN TRAFFIC REGULATORY COMMITTEE (SOUGHT TO BE IMPEADED) (MAYOR KANNUR MUNICIPAL CORPORATION) KANNUR (SOUGHT TO BE IMPEADED) BY ADVS. GOVERNMENT PLEADER M.MEENA JOHN ABDUL RAOOF PALLIPATH

OTHER PRESENT: JOBY JOSEPH-GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DINESH KUMAR SINGH, J.

Dated this the 2nd day of November, 2023

JUDGMENT

1. The present writ petition has been filed for the following reliefs:- i) issue writ of certiorari or any other writ or

order to quash the restrictive conditions in

regard to the parking and picking passengers in Varam areas in Exhibits P4, contract carriage permit, declaring the condition is illegal; ii) Issue writ of certiorari or any other writ or

order to quash the Ext.P5 rejection order

issued by the 2nd respondent being illegal. iii) Issue writ of mandamus or such other writ or order directing the 2nd and 3rd respondents to reconsider the application filed by the petitioner and effect variations in Exhibit P4 contract carriage permits, permitting the petitioner to park and pick passengers within the Kannur Municipal Corporation area with parking place at

Kannur town and railway station, in the light of the decision reported in 2014(3) KLT 341. iv) Dispense with filing the translation of vernacular documents. v) Grant such other reliefs as this Honble Court may deem fit and proper as on the

facts and circumstances of the case.

2. The petitioner is seeking variation in

Ext.P4 contract carriage permit, permitting the petitioner to park and pick passengers within the Kannur Municipal Corporation area with parking place at Kannur town and railway station.

4. The Learned Counsel for the Kannur

Municipal Corporation submits that the decision has to be taken by the regulatory committee headed by the Mayor of the Kannur Municipal Corporation in respect of the reliefs sought by the petitioner.

5. The Learned Government Pleader also submits that direction may be issued to consider the application of the petitioner by the additional 5th respondent.

6. In view thereof, the present writ petition

is disposed of with a direction to the additional 5 th respondent to take decision on the request of the petitioner. Since the impugned order Ext.P5 has not been passed by the competent authority, i.e, the additional 5th respondent, the same is set aside and the direction is issued to the 5 th respondent to consider the request of the petitioner and pass a fresh order in accordance with law within a period of one month.

7. With the aforesaid direction, the present

writ petition is disposed of. Sd/- DINESH KUMAR SINGH JUDGE rpr APPENDIX OF WP(C) 19608/2023 PETITIONERS EXHIBITS Exhibit P4 TRUE COPY OF THE CONTRACT CARRIAGE PERMIT ISSUED TO THE PETITIONER DATED 17/03/2023