

Abdul Majeed, vs the Inspector of Pollice,

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SooperKanoon Citation : sooperkanoon.com/1401405

Court : Kerala

Decided On : Dec-12-2023

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/30763/2019

Appellant : Abdul Majeed,

Respondent : The Inspector of Pollice,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 12TH DAY OF DECEMBER 2023 / 21ST
AGRAHAYANA, 1945 PETITIONERS: 1 ABDUL MAJEED, AGED 53
YEARS S/O. MUHAMMED KUNJU, DURAL IHZAN HOUSE,
ERAMALLOR, 2 A. M. MAJEED AGED 54 YEARS S/O. MOIDHEEN
KUNJU, ALUNGAVELI HOUSE, PATTANAKAD P. O., PATTANAKAD
VILLAGE, PATTANAKAD KARA, ALAPPUZHA DISTRICT - 688 531. 3
SATHEESH KUMAR AGED 50 YEARS S/O. KRISHNANKUTTY
MENON, SAROVARAM HOUSE, AROOR, AROOR VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 534. 4 NAZEER
PUNNAKAL AGED 54 YEARS S/O. ABDUL AZEEZ, PUNNAKAL

HOUSE, VALIAMARAM WARD, ALAPPUZHA - 688 012. 5 SIBIN SOLAMAN AGED 40 YEARS S/O. SOLAMAN, MATTATHUVELI HOUSE, ERAMALLOR P. O., 6 MANZOOR A. T. AGED 45 YEARS S/O. THAHA, ANAKOTIL HOUSE, EZHUPUNNA VILLAGE, ALAPPUZHA DISTRICT - 688 548. 7 ABHILASH AGED 38 YEARS S/O. SAHADEVAN, KALATHIL HOUSE, PALLITHODU P. O., THURAVOOR, ALAPPUZHA DISTRICT - 688 532.

8 JEEJU ANTONY AGED 48 YEARS S/O. ANTONY, NEELAMTHARA HOUSE, ERAMALLOR P. O., 9 AJITHKUMAR AGED 40 YEARS S/O. DASAN, PEEDIKAPARAMBU, EZHUPUNNA VILLAGE, ERAMALLOOR KARA, ALAPPUZHA DISTRICT - 688 537. 10 SAKKIR HUSSAIN AGED 44 YEARS S/O. SYEDU MUHAMMED, MAVUMTHAZHE HOUSE, AROOR VILLAGE, CHANTHIROOR, ALAPPUZHA DISTRICT - 688 547. 11 K. P. VIJAYAN AGED 65 YEARS S/O. PARAMESWARAN, KALAPPURAKKAL HOUSE, ERAMALLOR KARA, 12 SHAMEER AGED 37 YEARS S/O. MOHAMMED K. S., KATATHIVELIYIL HOUSE, ERAMALLOR P. O., EZHUPUNNA VILLAGE, ALAPPUZHA DISTRICT - 688 548. 13 MUNNAS K. B. AGED 35 YEARS S/O. BASHEER, KIZHAKKEMANGALATHUVELIYIL HOUSE, AROOR VILLAGE, CHANTHIROOR KARA, ALAPPUZHA - 688 547.

14 ABDU AGED 60 YEARS S/O. ABDUL KHADER, DARUL HUDA, NETTOOR P. O., MARADU VILLAGE, ERNAKULAM DISTRICT - 682 304. 15 NISHAD AGED 55 YEARS S/O. KUNJUMUHAMMED, VELLEZHATHU HOUSE, NADUVATH NAGAR, ARUKUTTY VILLAGE, NADUVATH NAGAR KARA, ALAPPUZHA DISTRICT - 688 535. 16 GEORGE THOMAS AGED 60 YEARS S/O. THOMAS, POTTASSERIYIL HOUSE, KODAMTHURUTH VILLAGE, EZHUPUNNA SOUTH, ALAPPUZHA - 688 548. 17 ABDUL MANAF AGED 41 YEARS S/O. ABDUL MAJEED, MAJEEDIYA MANZIL, AROOR VILLAGE, CHANDIROOR KARA, ALAPPUZHA DISTRICT - 688 547. 18 HAREESH AGED 44 YEARS S/O. DHANANJAYAN, KUREETHARA HOUSE, EZHUPUNNA VILLAGE, ERAMALLOR KARA, ALAPPUZHA

DISTRICT - 688 548. BY ADVS. SIRAJ KAROLY SRI.C.K.PREM RAJ
RESPONDENTS: 1 THE INSPECTOR OF POLICE, AROOR, AROOR
POLICE STATION, ALAPPUZHA DISTRICT - 688 534. 2 THE DEPUTY
SUPERINTENDENT OF POLICE CHERTHALA, OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE, CHERTHALA, ALAPPUZHA
DISTRICT - 688524. 3 EZHUPUNNA GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, EZHUPUNNA GRAMA
PANCHAYAT OFFICE, P. O. ERAMALLOR, ALAPPUZHA - 688 548. 4
THE JOINT REGIONAL TRANSPORT OFFICER CHERTHALA, JOINT
REGIONAL TRANSPORT OFFICE, CHERTHALA, ALAPPUZHA
DISTRICT - 688 524. 5 THE REGIONAL TRANSPORT AUTHORITY
REPRESENTED BY ITS SECRETARY, CIVIL STATION, ALAPPUZHA
DISTRICT - 688 012. 6 THE EXECUTIVE ENGINEER PUBLIC WORK
DEPARTMENT, NATIONAL HIGHWAY DIVISION, ALAPPUZHA,
THATHAMPILLY P. O., MINI CIVIL STATION, ALAPPUZHA - 688 012. 7
THE DEPUTY TRANSPORT COMMISSIONER ZONAL OFFICE - 2,
KAKKANAD, ERNAKULAM - 682 030. 8 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001. 9
ADDL.R9.SATHISH KUMAR.B S/O BALAKRISHNA PAI, AGED 38,
RESIDING AT 'ALUNKAL', NAVNEETH, EZHUPUNNA SOUTH.P.O,
CHERTHALA TALUK, ALAPPUZHA DISTRICT, PIN-688 548. 10
ADDL.R10. SREENATH.B S/O BALAKRISHNA PAI, AGED 28,
CHAKKATTUVELI HOUSE, ERAMALLOOR.P.O, CHERTHALA TALUK,
ALAPPUZHA DISTRICT, PIN- 688 548. 11 ADDL.R11. AJI.P.R S/O
PADMANABHAN, AGED 42, PURAMTHADANIKARTHU,
ERAMALLOOR.P.O, CHERTHALA TALUK, ALAPPUZHA DISTRICT-
688 548. 12 ADDL.R12.THILAKAN S/O KRISHNAN, AGED 59,
KIZHAKKECHENEZHATHU, ERAMALLOOR.P.O, CHERTHALA TALUK,
ALAPPUZHA DISTRICT 688 548. 13 ADDL.R13.BIJU.C.K S/O
KUNJAPPAN, AGED 46, CHEMBADIKALAM-EZHUPUNNA.P.O,
CHERTHALA TALUK, ALAPPUZHA DISTRICT 688 548. ARE
IMPLEADED AS PER ORDER DATED 28.11.19 IN IA 1/2019 IN W.P.(C)

30763/19. BY ADVS. SRI.S.CHANDRASENAN SRI.S.RENJITH CHANDRASEKHAR K.P P.SANTHOSH KUMAR (PANAMPALLI NAGAR)(K/409/1979) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

(Dated this the 12th day of December, 2023) This writ petition has been filed for a direction, commanding respondents to remove the obstruction by parking the autorickshaws or other public goods carrier vehicle on the road in front of the petitioners shops and other establishments situated on the western side of National Highway 66 at Chainage 372-850 of Eramalloor Junction in Ward No.10 of Ezhupunna Grama Panchayath of Cherthala Taluk.

2. An interim order was passed by this Court on 14.11.2019, directing the 1st respondent to remove all illegal parking in front of the petitioners shop forthwith.

3. Since, three years have passed after the passing of the said order and there is no parking as of now in front of the petitioners shop, the interim

order passed on 14.11.2019 is made absolute.

Therefore, this writ petition is disposed of as above. Sd/- BASANT BALAJI JUDGE
rpr APPENDIX OF WP(C) 30763/2019 PETITIONERS EXHIBITS EXHIBIT P1 (a) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 1ST PETITIONER BY THE GRAMA EXHIBIT P1 (b) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 2ND PETITIONER BY THE GRAMA EXHIBIT P1 (c) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 3RD PETITIONER BY THE GRAMA EXHIBIT P1 (d) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 4TH PETITIONER BY THE GRAMA EXHIBIT P1 (e) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 5TH PETITIONER BY THE GRAMA EXHIBIT P1 (f) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 6TH PETITIONER BY THE GRAMA EXHIBIT P1 (g) TRUE COPY OF THE TRADE

LICENSE ISSUED IN FAVOUR OF THE 7TH PETITIONER BY THE GRAMA EXHIBIT P1 (h) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 8TH PETITIONER BY THE GRAMA EXHIBIT P1 (i) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 9TH PETITIONER BY THE GRAMA EXHIBIT P1 (j) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 10TH PETITIONER BY THE GRAMA EXHIBIT P1 (k) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 11TH PETITIONER BY THE GRAMA EXHIBIT P1 (l) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 12TH PETITIONER BY THE GRAMA EXHIBIT P1 (m) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 13TH PETITIONER BY THE GRAMA EXHIBIT P1 (n) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 14TH PETITIONER BY THE GRAMA EXHIBIT P1 (o) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 15TH PETITIONER BY THE GRAMA EXHIBIT P1 (p) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 16TH PETITIONER BY THE GRAMA EXHIBIT P1 (q) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 17TH PETITIONER BY THE GRAMA EXHIBIT P1 (r) TRUE COPY OF THE TRADE LICENSE ISSUED IN FAVOUR OF THE 18TH PETITIONER BY THE GRAMA EXHIBIT P2 TRUE COPY OF THE PHOTOGRAPHS TO SHOW THE ILLEGAL PARKING CAUSING SERIOUS OBSTRUCTION TO THE PETITIONER'S SHOP. EXHIBIT P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE RESPONDENTS 1, 3 AND 4 DATED 22.10.2019. EXHIBIT P3 (a) TRUE COPY OF THE RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 28.10.2019. EXHIBIT P3 (b) TRUE COPY OF RECEIPT ISSUED BY R3 DATED 28.10.2019. RESPONDENT EXHIBITS EXHIBIT R9 A THE PHOTOCOPY OF THE MINUTES OF MEETING DATED 12.11.2019, HELD AT THA PANCHAYAT OFFICE, IN THE PRESENCE OF THE REGIONAL TRANSPORT OFFICER. EXHIBIT R9 B THE PHOTOCOPY OF THE MINUTES DATED 23.11.2019 EXHIBIT R9 C THE PHOTOCOPY OF THE PERMIT ISSUED IN FAVOUR OF THE FIRST PETITIONER. EXHIBIT R9 D THE PHOTOCOPY OF ROUGHT SKETCH SHOWING THE LIE OF THE ROADS AND THE AREA IN DISPUTE EXHIBIT R9 E SERIES THE PHOTOCOPY OF THE AREA REFERRED TO IN EXT P-4 EXHIBIT R9 F SERIES THE

PHOTOCOPY OF THE AREA REFERRED TO IN EXT.P-5 EXHIBIT R9 G
SERIES THE PHOTOCOPY OF THE AREA REFERRED TO IN EXT.P-6

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