

George Thomas vs State of Kerala

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Court : Kerala

Decided On : Aug-31-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/7589/2020

Appellant : George Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 31ST DAY OF AUGUST 2021 / 9TH BHADRA, 1943 PETITIONER: GEORGE THOMAS AGED 63 YEARS S/O. THOMAS, KARIKKAM PALLIL, EDATHUA, ALAPPUZHA, PIN-689 573. BY ADV V.VIJITHA RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM 695 001. 2 DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, ALAPPUZHA 688 001 3 COMMISSIONER OF POLICE, DISTRICT HEAD QUARTERS, ALAPPUZHA 688 001 4 THE SUB INSPECTOR OF

POLICE, EDATHUA POLICE STATION, ALAPPUZHA 688 532 5 JOINT REGIONAL TRANSPORT OFFICER, SUB REGIONAL TRANSPORT OFFICE, KUTTANADU, ALAPPUZHA 689 595 6 THE SECRETEARY, EDATHUA GRAMA PANCHAYAT, EDATHUA, ALAPPUZHA 689 573 7 AUTO DRIVERS UNION (CITU), EDATHUA UNIT, EDATHUA, ALAPPUZHA 689 573, REPRESENTED BY ITS SECRETARY 8 AUTO DRIVERS UNION (INTUC), EDATUA UNIT, EDATHUA, ALAPPUZHA 689 573 REPRESENTED BY ITS SECRETARY. 9 AUTO DRIVERS UNION (BMS), EDATHUA UNIT,

EDATUA, ALAPPUZHA 689 573, REPRESENTED BY ITS SECRETARY. BY ADVS SHRI.M.V.S.NAMPOOTHIRY GP. SRI.E.C.BINEESH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court with the specific allegation that the members of the respondents 7, 8 and 9 are parking their Autorikshaws and other transport vehicles, obstructing the ingress and egress to his business enterprise.

2. Shri.M.V.S.Namboothiry, learned Standing

Counsel for the 6th respondent - Secretary of the Edathua Grama Panchayat, submitted that the allegations of the petitioner are not correct because the Autorikshaws are not now being parked in any manner obstructing his business. The learned Standing Counsel submitted that therefore, no further orders may be required in this writ petition.

3. I notice that when this case was considered by a learned Judge of this Court on 12.3.2020, the 4th respondent was directed to ensure that Autorikshaws are not parked in front of the shop of the petitioner, preventing the access to his shop in any manner.

4. Even though notice from this Court has been validly served on respondents 7 to 9, they have chosen not to be present in person or to be represented through counsel; inferentially guiding me to the impression that they have nothing to

offer against the submissions made by the petitioner. In the afore circumstances, recording the submissions of Shri.M.V.S.Namboothiry - to the effect that the Secretary of the Grama Panchayat will ensure that there will be no parking of vehicles in front of the petitioner's shop obstructing his ingress and egress; I allow this writ petition directing respondent No.4 to ensure that the afore undertaking is not violated and to take necessary action as and when any vehicles are parked in front of the petitioner's shop in violation of the same. This writ petition is thus ordered. Sd/- DEVAN RAMACHANDRAN JUDGE MC/1.9 APPENDIX OF WP(C) 7589/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF PHOTOGRAPHS EVIDENCING THE MANNER OF PARKING OF AUTO-TAXIS BY MEMBERS OF RESPONDENT 7 TO 9 UNION BEFORE THE SHOPROOM OF THE PETITIONER. EXHIBIT P2 TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE 6TH RESPONDENT DATED 5-3-2020

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