

Pradeep vs Inspector

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SooperKanoon Citation : sooperkanoon.com/1675420

Court : Kerala

Decided On : Nov-17-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/19153/2021

Appellant : Pradeep

Respondent : Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 17TH DAY OF NOVEMBER 2021 / 26TH KARTHIKA, 1943 PETITIONERS: 1 PRADEEP, AGED 49 YEARS, S/O.KANARAN, PALLIYIL HOUSE, NUT STREET P.O, VATAKARA TALUK, KOZHIKODE DISTRICT, PIN-673104. 2 LIJINA P.V., AGED 33 YEARS, S/O.BINEESH C.K, CHETTIYAMKANDI, AYANCHERI, VADAKARA, KOZHIKODE, PIN-673103. 3 FIROS P.P, AGED 36 YEARS, S/O. MOIDEEN P.P, PUTHIYA PURAYIL, KOYILANDI VALAPPIL, VADAKARA P.O, KOZHIKODE - 673103. 4 NAFEESA T, AGED 53 YEARS, W/O.ASSANKUTTY, PADAYANVALAPPIL THIRUTHEEMMAL, PURANKARA, VADAKARA

P.O, KOZHIKODE - 673103. 5 NOUSHAD M.C, AGED 36 YEARS, S/O.USMAN, CHERIYA THOTTUNGAL, ICE ROAD, VADAKARA BEACH, VADAKARA P.O, KOZHIKODE - 673103. 6 HARIS M, AGED 60 YEARS, S/O.MAMMU, PARAKKANDI PARAMBIL HOUSE, MUTTATH, KURIKKILAD, P.O, CHORODE, VADAKARA, KOZHIKODE - 673104. 7 ANEESH BABU M.T, AGED 35 YEARS, S/O.MUNEERA, PARAYULLA VATTAKANDI, NUT STREET P.O, VATAKARA, KOZHIKODE DISTRICT, PIN - 673104. 8 ZUBAIR M.T, AGED 54 YEARS, S/O.KUNHAHAMMED, MEETHALE THODUVAYIL HOUSE, CHORODE P.O, VADAKARA, KOZHIKODE, PIN-673106. 9 DHIRAR E.V, AGED 36 YEARS, S/O. KUNHAMMAD, ERANJHIKKA VALAPPIL, VADAKARA BEACH P.O, KOZHIKODE - 673103. 10 BINU K.V, S/O.SANKARAN K.V., AGED 40 YEARS, KATHIYAR VAYALIL, PUTHUPPANAM P.O, MANIYUR, MANDARATHUR, KOZHIKODE - 673105. -2- BY ADV. ZUBAIR PULIKKOOL RESPONDENTS: 1 INSPECTOR, STATION HOUSE OFFICER OF VATAKARA POLICE STATION, VATAKARA P.O, KOZHIKODE DISTRICT - 673101. 2 THE DISTRICT POLICE CHIEF, KOZHIKODE RURAL, PUTHUPPANAM P.O, VATAKARA, KOZHIKODE DISTRICT - 673105. 3 AYYOB.K, S/O. ABOOBACKER, *DELETED KANAYI HOUSE, VATAKARA P.O, KOZHIKODE DISTRICT - 673103. * R3 IS DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 17.11.2021 IN IA NO.2/21 IN W.P(C)NO.19153/21. 4 NAJEEB S.V, S/O. ABDUL KHADDAR, SARVATH VALAPPIL HOUSE, VATAKARA P.O, KOZHIKODE DISTRICT - 673103. BY ADV.SRI.E.C.BINEESH - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

The petitioners have approached this Court alleging that the 4th respondent and his men are obstructing them from parking their vehicles, which are commonly known as 'Auto Taxis', in the stands designated to them by the competent

Authorities.

2. The petitioners say that, as is evident

from Ext.P24, the Transport Authority has already clarified that they are entitled to park their vehicles on the designated halting spaces; but that, in spite of this, they are being obstructed, by use of violence, by the party respondent and his men.

3. The petitioners submit that they,

therefore, preferred Ext.P23 complaint before the 1st respondent - Station House Officer, seeking protection; but that since no action was taken -4- thereon, they have been constrained to approach this Court through this writ petition.

4. I have heard Sri.Zubair Pulikool - learned counsel appearing for the petitioners and Sri.E.C.Bineesh - learned Government Pleader appearing for the official respondents.

5. Even though notice from this Court has

been validly served on the 4th respondent, he has chosen not to be present in person or to be represented through counsel; thus inferentially guiding me to the impression that he has nothing to offer in answer to the allegations made in this Writ Petition.

6. Sri.E.C.Bineesh - learned Government

Pleader, submitted that in obedience to the directions of this Court in interim order dated 16.09.2021, adequate and necessary steps have been taken by the Police to afford protection to the -5- petitioners to park their vehicles in the designated halting places. He submitted that, as at present, there are no law and order issues and that this will be maintained in the future also. Taking note of the afore submissions and particularly adverting to Ext.P24, I allow this writ petition and confirm the interim order dated 16.09.2021; consequentially, directing the 1st respondent - Station House Officer, to act as per its terms implicitly and to ensure that law and

order is always maintained, without any breach of

peace being committed by the 4th respondent or his men or associates. Sd/-
DEVAN RAMACHANDRAN JUDGE akv -6- APPENDIX OF WP(C) 19153/2021
PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF CERTIFICATE OF
REGISTRATION OF 1ST PETITIONER. EXHIBIT P2 TRUE COPY OF
CERTIFICATE OF REGISTRATION OF 2ND PETITIONER. EXHIBIT P3 TRUE
COPY OF CERTIFICATE OF REGISTRATION OF 3RD PETITIONER. EXHIBIT
P4 TRUE COPY OF CERTIFICATE OF REGISTRATION OF 4TH PETITIONER
EXHIBIT P5 TRUE COPY OF CERTIFICATE OF REGISTRATION OF 5TH
PETITIONER. EXHIBIT P6 TRUE COPY OF CERTIFICATE OF REGISTRATION
OF 6TH PETITIONER. EXHIBIT P7 TRUE COPY OF CERTIFICATE OF
REGISTRATION OF 7TH PETITIONER. EXHIBIT P8 TRUE COPY OF
CERTIFICATE OF REGISTRATION OF 8TH PETITIONER. EXHIBIT P9 TRUE
COPY OF CERTIFICATE OF REGISTRATION OF 9TH PETITIONER. EXHIBIT
P10 TRUE COPY OF CERTIFICATE OF REGISTRATION OF 10TH
PETITIONER. EXHIBIT P11 THE PERMITS ISSUED BY RTA VATAKARA TO
THE 1ST PETITIONER. EXHIBIT P12 THE PERMITS ISSUED BY RTA
VATAKARA TO THE 2ND PETITIONER. EXHIBIT P13 THE PERMITS ISSUED
BY RTA VATAKARA TO -7- THE 3RD PETITIONER. EXHIBIT P14 THE
PERMITS ISSUED BY RTA VATAKARA TO THE 4TH PETITIONER. EXHIBIT
P15 THE PERMITS ISSUED BY RTA VATAKARA TO THE 5TH PETITIONER.
EXHIBIT P16 THE PERMITS ISSUED BY RTA VATAKARA TO THE 6TH
PETITIONER. EXHIBIT P17 THE PERMITS ISSUED BY RTA VATAKARA TO
THE 7TH PETITIONER. EXHIBIT P18 THE PERMITS ISSUED BY RTA
VATAKARA TO THE 8TH PETITIONER. EXHIBIT P19 THE PERMITS ISSUED
BY RTA VATAKARA TO THE 9TH PETITIONER. EXHIBIT P20 THE PERMITS
ISSUED BY RTA VATAKARA TO THE 10TH PETITIONER. EXHIBIT P21 THE
COMPLAINT PREFERRED BEFORE 1ST RESPONDENT ON 2.03.2020 BY THE
UNION SECRETARY OF PETITIONERS. EXHIBIT P22 THE COMPLAINT
PREFERRED BEFORE 1ST RESPONDENT ON 23.11.2020 BY THE UNION
SECRETARY OF PETITIONERS. EXHIBIT P23 THE COMPLAINT PREFERRED
BEFORE 1ST RESPONDENT ON 06.09.2021 BY THE PETITIONERS
COLLECTIVELY. EXHIBIT P24 THE TRUE COPY OF THE REPLY ISSUED BY

PUBLIC INFORMATION OFFICER, REGIONAL TRANSPORT OFFICE,
VATAKARA.

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