

(2013) 01 KL CK 0197
In the High Court Of Kerala
Case No : W.P. (C). No. 12 of 2013

Baisil Attippety @ Basil A.G.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 02-01-2013

Acts Referred:

Citation : (2013) 1 KHC 368

Hon'ble Judges : Mrs. Manjula Chellur, CJ. and Mr. K. Vinod Chandran, J.

Bench : Division Bench

Advocate : Sri. K.A. Jaleel, Additional Advocate General, for the Respondent;
Sri. A.G. Basil, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Manjula Chellur, C.J. - Heard learned counsel for the petitioner as well as learned Additional Advocate General.

2. This writ petition is filed as pro bono publico complaining that in spite of prohibition of black-films or any other materials on the windscreens and side glasses with effect from 04.05.2012, no action is taken by the respondent authorities which results in blatant violation of the directions in the law laid down by the Apex Court.

3. Learned Additional Advocate General submits, immediately after the pronouncement of the judgment by the Apex Court dated 27.04.2012, action was taken by the Transport Commissioner by sending letters to all Deputy Transport Commissioners, Regional Transport Officers, Joint Regional Transport Officers and Motor Vehicles Inspectors of check posts to see that the directions issued in the judgment is strictly implemented. It is also mentioned that more than 4,342 cases are already registered against such violators and even arrangements are made in the front of the Regional Transport Offices by opening outlets to remove black films or other materials used on the windscreens and side glasses of four wheelers.

4. Having regard to the implementation of the directions already by the respondents authorities, in the absence of giving any particulars of any particular vehicle, we are at loss to understand on vague allegations how this Public Interest Litigation could be entertained. The letter clearly indicates that it is issued in pursuance of the judgment of the Apex Court and it is not one letter but another letter dated 04.05.2012 with several instructions in this regard is also issued. However, we find no material is forthcoming on record either in writing or through submissions that any such specific directions were issued by the head of the police to subordinate police officers in the State of Kerala.

In our opinion, when the Apex Court has banned using black-films or other materials on the windscreens and side glasses of four wheelers with, it has to be implemented. With a direction that the concerned police authority have to create awareness in the police personnel as well about the directions of the Apex Court, the Writ Petition is dismissed.