

(2024) 01 KL CK 0091

In the High Court Of Kerala

Case No : Writ Petition (C) No. 14620 Of 2020

K.T. Pradeep

APPELLANT

Vs

Sulthan Bathery Municipality

RESPONDENT

Date of Decision : 11-01-2024

Acts Referred:

Citation : (2024) 01 KL CK 0091

Hon'ble Judges : Gopinath P., J

Bench : Single Bench

Advocate : George Abraham, Jayakumar Namboodiri T.V., Justine Jacob

Final Decision : Disposed Of

Judgement

Gopinath P., J

1. The petitioner is the owner of an autorickshaw bearing registration No.KL-73-A-4149. The petitioner has approached this court being aggrieved by the fact that in the permit issued by the 3rd respondent the petitioner had been given the halting place at a place called Kenichira. It is submitted that the petitioner has suffered some physical disability on account of Elephant attack and therefore he is unable to do any physical hard work and therefore he had decided to purchase an autorickshaw to support his family. It was submitted by learned counsel for the petitioner that the halting place provided at Kenithira gave absolutely no scope for any hire of the autorickshaw as there were no shops or any establishments at Kenichira. The petitioner therefore approached the 3rd respondent for change of halting place and thereafter approached this court by filing by filing W.P (C) No.31088/2018. That writ petition was disposed of on 30-10-2018 directing the 3rd respondent to consider the request of the petitioner. The places preferred by the petitioner were;

(1) Chungam

(2) Old Bus stand

(3) Assumption Hospital Junction

(4) Municipal Office Junction

(5) Gandhi Junction

On a consideration of the petitioner's request the petitioner was permitted halting place at Armad, which is situated at the border of Sulthan Bathery town and abutting a reserve forest. The petitioner has produced Ext.P4 photograph to show that the new halting place provided to the petitioner is a lonely and isolated place and where again the petitioner will get no chance to ply his autorickshaw for hire. The petitioner has therefore approached this court seeking the following reliefs;

(i) to issue a Writ of Certiorari or any other appropriate writ, order or direction, to quash the decision taken by the 2nd respondent, which is endorsed in Ext.P1 whereby the halting place of the petitioner was reallocated to Armad from Kenichira.

(ii) to issue a Writ of Mandamus; or any other appropriate writ, order or direction, directing the respondents to sanction the halting place of the Autorickshaw bearing Registration No.KL73A 4149, either at Chungam or at Private Bus stand, as per the recommendation of the 3rd respondent.

(iii) to issue a Writ of Mandamus; or any other appropriate writ, order or direction, directing the 1st respondents to consider Ext.P5 application submitted by the petitioner for change of halting place from Armad to Sulthan Bathery Private bus stand.

2. When this matter is taken up for consideration today, it is the submission of the learned counsel appearing for the 1st respondent Municipality that the Traffic Regulatory Committee of the Sulthan Bathery Municipality which has been impleaded as additional 5th respondent can be approached for considering the claim of the petitioner. It is submitted that thereafter on the basis of the recommendation of the Traffic Regulatory Committee the 3rd respondent can be directed to pass suitable orders.

3. The learned Government Pleader also submits that based on the recommendation of the Traffic Regulatory Committee, the 3rd respondent can be directed to pass orders on the request of the petitioner.

4. In the light of the submissions made by the learned counsel for the petitioner, learned counsel for the 1st respondent Municipality and the learned Government Pleader, this writ petition will stand disposed of directing the additional 5th respondent to consider the request of the petitioner for allotment of halting place at one of the stations mentioned by the petitioner as noted above [(1) Chungam, (2) Old Bus stand, (3) Assumption Hospital Junction, (4) Municipal Office Junction, (5) Gandhi Junction]. Based on the recommendation of the additional 5th respondent, the 3rd respondent shall pass necessary orders permitting the

halting place as recommended by the Traffic Regulatory Committee. The Traffic Regulatory Committee shall consider the request of the petitioner within a period of 6 weeks from the date of receipt of a certified copy of this judgment. Based on the recommendation of the Traffic Regulatory Committee the 3rd respondent shall pass fresh orders as directed above within a period of 2 weeks from the date on which the recommendation of the Traffic Regulatory Committee is placed before him.