

(2011) 05 KL CK 0023

In the High Court Of Kerala

Case No : Writ Petition (C) No. 12654 of 2011 (F)

Rajesh S.S., Driver and Others

APPELLANT

Vs

Krishnan Kutty, Driver and Others

RESPONDENT

Date of Decision : 10-05-2011

Acts Referred:

Citation : (2011) 05 KL CK 0023

Hon'ble Judges : M.L. Joseph Francis, J;Antony Dominic, J

Bench : Division Bench

Advocate : Zakeer Husain M.K, for the Appellant; Latheesh Sebastian, for the Respondent

Judgement

1. Petitioners are drivers of Tourist Taxis, operating from a taxi stand at Kumarapuram. According to the Petitioners, recently Respondents 1 to 3 and some other persons, who are supporters of Marxist party have formed an association by name "Swathanthra Drivers Welfare Association". It is the case of Petitioners that, the party Respondents have threatened them, that unless they pay an amount of Rs. 5,000/- each to the aforesaid association, they will not be permitted to operate their Taxis from the taxi stand. They complained to the police, but no help was given to them. It is in these circumstances this writ petition was filed praying for the following:

(i) Issue a Writ of Mandamus or any other appropriate writ or order commanding the Respondents 4 and 5 to render sufficient and adequate police protection to the Petitioners to park their vehicle on the left side of the Murinjapalam - Kumarapuram Road, near the Institution Guild of Service, Kumarapuram, and operate taxi service at Kumarapuram, Thiruvananthapuram and to the lives of the Petitioners.

2. Respondents 1 to 3 have entered appearance and have filed counter affidavit. Though they accept that the Association was incorporated by them, they have denied the allegation that they threatened the Petitioners as alleged by them.

3. If as stated by the Petitioners, they are taxi operators, they are entitled to continue their operations. Now that the Respondents have denied the allegation that they had threatened the Petitioners demanding payment to the association mentioned above, we record the aforesaid submission and direct that in the event, there is any threat as alleged by the Petitioners, it will be open to the Petitioners to approach the 5th Respondent, in which event, the 5th Respondent shall provide adequate and effective police protection enabling the Petitioners to operate their taxis from the taxi stand mentioned above.

Writ petition is disposed of as above.