
(2010) 04 KL CK 0074

In the High Court Of Kerala

Case No : Writ Petition (C) No. 11507 of 2010 (K)

Renjith R. and Rajeevan

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 08-04-2010

Acts Referred:

Citation : (2010) 04 KL CK 0074

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

Bench : Division Bench

Advocate : Sajith Kumar V, for the Appellant; T.G. Rajendran, for the Respondent

Judgement

K.M. Joseph, J.—Petitioners seek a direction to respondents 2 to 4 to provide adequate police protection to the petitioners' life and to ply their autorickshaw bearing registration No. KL-57-254 by parking the same at Narikkuni, Calicut District in compliance with Ext.P1 permit conditions. Obstruction is alleged against respondents 5 to 8.

2. A Counter Affidavit is filed on behalf of the party respondents. Therein, the case set up is that the second petitioner is the person belonging to Narikkuni Panchayat. It is further stated as follows:

Ext.P1 Permit shows that the parking place is at Narikkuni. The autorickshaw was being operated by a driver belonging to Narikkuni, during which time, there was no objection. It is stated that Ext.R5(a) is a decision taken by the Co-ordination Committee of all political parties, that the autorickshaw having Permit in Narikkuni Panchayat should be driven by a driver belonging to the same Panchayat. It is also stated that because the first petitioner is from a different Panchayat, the fifth respondent requested the owner of the said vehicle to retain a driver of Narikkuni Panchayat. It is for the owner to make a complaint, it is stated. It is, inter alia, stated that the party respondents have no objection in the autorickshaw parking in Narikkuni itself.

3. We heard the learned Counsel appearing. Learned counsel for the party

respondents reiterated the same submissions.

4. We are of the view that there is absolutely no merit in the objections of the party respondents. A Permit has been granted under the Motor Vehicles Act under which the autorickshaw can be parked at Narikkuni. The agreement which is set up is clearly opposed to the terms of the said Permit and it is also against the legal right of a citizen to acquire licence and ply the vehicle. Therefore, there is no merit in the objection on the basis of which the obstruction is being done. It is clear that there is obstruction also. In such circumstances, we dispose of the Writ Petition by making the interim order absolute.