
(2010) 09 KL CK 0433

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19112 of 2010 (L)

Umesh K.P.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 23-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0433

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : Sajith Kumar V, for the Appellant; P.V. Kunhikrishnan, for the Respondent

Judgement

K.M. Joseph, J.—Prayer in the Writ Petition is as follows:

Issue a writ of mandamus or other appropriate order or direction commanding respondents 2 to 4 to provide adequate police protection to the petitioner's life and to ply the three wheeler auto vehicle bearing Registration No. KL.57 A.9271 by parking the same at Kunnamangalam, Calicut District, in compliance with Ext.P1 permit conditions.

2. Briefly put, the case of the petitioner is as follows:

There is a Permit issued in favour of the owner of the Autorickshaw. Petitioner is the driver. As per Ext.P1 Permit, the vehicle is allowed to ply all over the Kozhikode District with parking place at Kunnamangalam and the petitioner is not legally entitled to park the vehicle in any other place. It is stated that the petitioner had taken the vehicle to the parking place at Kunnamangalam. But, he was obstructed by the party respondents. Due to their constant threat, the petitioner moved the police authorities and eliciting no response, he is before us.

3. A Counter Affidavit is filed by the party respondents. They would say as follows:

The Grama Panchayat, the Sub Inspector of Police, Kunnamangalam and the Co-

ordination Committee of CITU, INTUC, BMS and STU decided to take the total number of autorickshaws running in Kunnamangalam Grama Panchayat and to issue permit badge to each of the auto drivers. The reason for issuing such permit is to identify the auto drivers by the Police Authorities and the Panchayat. Kunnamangalam is an area where maximum number of excise cases is registered in which illicit arrack transportation is involved. In such circumstances, to identify the auto rickshaws, permit badge is issued to them after taking the number of autorickshaws. A halting place is also fixed for the autorickshaws. Ext.R5(a) is the copy of the permit badge issued to one of the autorickshaws. In addition to Ext.R5(a), an identity card is also issued to all the auto drivers. The RC owner of the petitioner's vehicle is one Indresh. It is also stated that the said owner is having five vehicles as shown in Ext.R5(c) list.

4. Petitioner has subsequently impleaded the Panchayat. We heard the learned Counsel for the petitioner, the party respondents and also the learned Counsel appearing for the Panchayat besides the learned Government Pleader.

5. Admittedly, the owner of the vehicle has been issued with a Permit. As per the same, the petitioner is entitled to park the autorickshaw at Kunnamangalam. We asked the learned Counsel for the Panchayat as to whether there was any compulsion to take out the Badge. He submitted that there is no compulsion. Learned Government Pleader also submits that there can be no compulsion to take out the Badge. In such circumstances, we dispose of the Writ Petition by making the interim order absolute and we further hold that it will hold good only as long as the petitioner is using the vehicle as driver in the vehicle in question.