

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY ,THE 31ST DAY OF AUGUST 2018 / 9TH BHADRA, 1940

WP(C) .No. 28280 of 2018

PETITIONER/S:

- 1 BEENA SIVADASAN
AGED 53 YEARS
D/O RAMACHANDRAN, PROPRIETOR M/S STEP IN STYLE, ROOM
NO.5/547, VICHITHRA COMPLEX, CALTEX JUNCTION, KANNUR
670002
- 2 AJAY SANKAR
S/O. SANKARAN, M/S. GEMINI BOMBAY DYEING , ROOM NO.
5/549-550, VICHITHRA COMPLEX, CALTEX JUNCTION, KANNUR
670002
- 3 JAYADEVAN C.M
S/O. KUNHIRAMAN P.M, M/S. MADOONA FOOT WEAR, ROOM NO.
5/548, VICHITHRA COMPLEX, CALTEX JUNCTION, KANNUR
670002
- 4 SALEEL K.T
S/O. TYAGARAJAN, TITAN WATCHES, ROOM NO. 5/546,
VICHITHRA COMPLEX, CALTEX JUNCTION, KANNUR
670002
- 5 SARASWATHI P.K.
D/O. KANNAN, PROPRIETOR, M/S. SHEEN BAKERIES, ROOM
NO. 5/546, VICHITHRA COMPLEX, CALTEX JUNCTION, KANNUR
670002

BY ADVS.
SRI. R. PARTHASARATHY
SEEMA PARTHASARATHY

RESPONDENT/S:

- 1 THE KANNUR CORPORATION
REPRESENTED BY ITS SECRETARY KANNUR P.O, KANNUR
DISTRICT PIN 67001
- 2 THE SECRETARY

- KANNUR CORPORATION, KANNUR P.O, KANNUR DT.
670001
- 3 THE REGIONAL TRANSPORT OFFICER
REGIONAL TRANSPORT OFFICE, KANNUR
670002
- 4 THE DEPUTY SUPERINTENDENT OF POLICE
KANNUR
670001

R1 & R2 BY ADVS.SRI. K.K. CHANDRAN PILLAI (SR.)
SMT. S. AMBILY
SMT. NAMITHA NAMBIAR
SRI. SAJI THOMAS

R3 & R4 BY ADV.SRI.P.M.MANOJ, SENIOR GOVERNMENT
PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.08.2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGEMENT

Petitioners are conducting various kinds of trade in Vichithra Shopping Complex, which is situated in Caltex junction, a prime area of Kannur town. According to the petitioners, 1st respondent has ear marked and provided Auto stand for parking Auto-rikshas in Kannur town. However, Auto-rikshas are being parked in front of the complex which is causing innumerable difficulties to the traders as well as customers approaching the shops. Aggreived by such a situation, various complaints are preferred by the petitioners before various statutory authorities including Ext. P7 before the 1st respondent corporation, which is pending consideration. In my considered opinion, the situation would suffice if a direction is issued to the 1st respondent corporation to consider Ext.P7 in accordance with law, after providing notice of hearing to all concerned especially due to the fact that none of the parties said to be affected if an order is passed by this court, have made parties to this writ petition.

2. Having heard learned counsel for the petitioner, learned Government Pleader and the standing counsel for the 1st and 2nd respondents, there will be a direction to the 1st respondent to take a decision on Ext.P7 application in accordance with law and in accordance with the provisions of the various statutes and attain finality at the earliest, and at any rate, within two

months from the date of receipt of a copy of this judgment, after providing notice of hearing and participation to the petitioners, Auto-riksha union/Auto-riksha owners and any other interested persons. In the meanwhile, there will be a direction to the official respondents to ensure that the Auto-rikshas are parked leaving a gap of five feet in between the Auto-rikshas.

The writ petition is disposed of accordingly.

uu

31/08/18

Sd/-

SHAJI P.CHALY

Judge

APPENDIXPETITIONER'S/S' EXHIBITS:

EXHIBIT P1	TRUE PHOTOCOPY OF THE LICENSE FEE PAID BY 1ST PETITIONER DATED 5.2.2018.
EXHIBIT P2	TRUE PHOTOCOPY OF THE LICENSE FEE PAID BY THE 2ND PETITIONER DATED 26.2.2018.
EXHIBIT P3	TRUE COPY OF THE LICENSE FEE PAID BY 3RD PETITIONER DATED 28.2.2018.
EXHIBIT P4	TRUE PHOTOCOPY OF KACHIT OF THE 4TH PETITIONER DATED 17.4.2008.
EXHIBIT P5	TRUE PHOTOCOPY OF KACHIT OF THE 5TH PETITIONER DATED 17.4.2008.
EXHIBIT P6	TRUE COPY OF THE DETAILS OF AUTO-RIKSHAW STANDS EAR MARKED IN KANNUR CORPORATION BY THE 1ST RESPONDENT.
EXHIBIT P7	TRUE COPY OF PETITION FILED BEFORE THE 1ST RESPONDENT DATED 6.3.2018.
EXHIBIT P8	TRUE COPY OF RECEIPT ISSUED BY THE 1ST RESPONDENT DATED 15.3.2018.
EXHIBIT P9	TRUE COPY OF PETITION FILED BEFORE THE 3RD RESPONDENT DATED 20.4.2018
EXHIBIT P10	PHOTOGRAPHS OF THE VICHITHRA COMMERCIAL COMPLEX.
EXHIBIT P11	PHOTOGRAPHS SHOWING THE PARKING SPACE PROVIDED BY THE CORPORATION ON THE SOUTHERN SIDE OF THE BUILDING, IN FRONT OF NS TALKIES.

RESPONDENT'S EXHIBITS:NIL

//TRUE COPY//

P.A. TO JUDGE