
Renjith R. and Rajeevan Vs State of Kerala and Others

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

Court: High Court Of Kerala

Date of Decision: April 8, 2010

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.