

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE AMIT RAWAL

Tuesday, the 2nd day of August 2022 / 11th Sravana, 1944
WP(C) NO. 13238 OF 2022

PETITIONERS:

1. ABOOBACKER K.A., KAROTHUKUDI, MUDICKAL P.O., PERUMBAVOOR, MOLUDUPURA, ERNAKULAM-683 547.
2. ASAD.E.M., ELAVUMKUDY HOUSE, MARAMPILLY P.O., PERUMBAVOOR, ERNAKULAM, PIN-683 105.
3. RAJESH.P.R., PEEDIKAKKUDIYIL, KEEZHILLAM P.O., PERUMBAVOOR, ERNAKULAM, PIN-683 541.
4. VARGHESE P.A. @ ANTONY VARGHESE, POTHEN HOUSE, OKKAL P.O., PERUMBAVOOR, ERNAKULAM-683 550.
5. SIDHIKK, THEKEVADAYATH, PONASSERY P.O., PERUMBAVOOR, ERNAKULAM-683 547.
6. NAJEEB.V.S., VELLAKUDI, ALLAPRA P.O., PERUMBAVOOR, ERNAKULAM-683 536.
7. GINU @ THOMAS, MELETHADAM, PEERUMBAVOOR P.O., PERUMBAVOOR, ERNAKULAM-683 542.
8. RAHEEM, KIDANGASSERY HOUSE, VAZHAKKULAM P.O., PERUMBAVOOR, ERNAKULAM-683 105.
9. SHAMEER ROshan, KALLINGAL HOUSE, MUDICKAL P.O., PERUMBAVOOR, ERNAKULAM-683 547.
10. MANAF.T.S., THURUTHUMMEL HOUSE, PERUMBAVOOR P.O., PARAPPURAM, ERNAKULAM-683 547.
11. ABDUL KAREEM.P.S., PUTHENVEETIL HOUSE, MUDICKAL P.O., PERUMBAVOOR, ERNAKULAM-683 547.
12. MAHINKUTTY, VATTATHARA HOUSE, MARAMPILLY P.O., PERUMBAVOOR, ERNAKULAM, PIN-683 105.
13. K.M.UMMER, KOTTAPURATH HOUSE, SREEMOOLANAGARAM P.O., ALUVA, ERNAKULAM-683 105.
14. NAJEEB.M.A., PANDIYAMOODU HOUSE, PERUMBAVOOR P.O., PERUMBAVOOR, ERNAKULAM-683 542.
15. NASEEMA.K.A., ALANGAYI HOUSE, ALLAPRA P.O., PERUMBAVOOR, ERNAKULAM-683 556.
16. DILSHAD ABDUL MAJEED, CHEELAKKATTUPARAMBIL HOUSE, PONJASSERY P.O., PERUMBAVOOR, ERNAKULAM-683 547.

17. LATHEEF, CHERUVALLIKUDY HOUSE, RAYONPURAM P.O., PERUMBAVOOR, ERNAKULAM, PIN-683 543

18. SUBAIR.M.A., MUNDACKAL HOUSE, MUDICKAL P.O., PERUMBAVOOR, ERNAKULAM-683 547.

RESPONDENTS:

1. JOINT REGIONAL TRANSPORT OFFICER, OFFICE OF THE JOINT REGIONAL TRANSPORT OFFICER, IRONGOLE P.O., PERUMBAVOOR, ERNAKULAM DISTRICT, PIN-683 548.
2. STATION HOUSE OFFICER, PERUMBAVOOR POLICE STATION, PERUMBAVOOR-683 542

3. ADDL.R3: THE DISTRICT MAGISTRATE, ERNAKULAM.
4. ADDL.R4: THE REGIONAL TRANSPORT OFFICER, ERNAKULAM.
5. ADDL.R5: THE CITY POLICE COMMISSIONER, KOCHI.

ADDL. R3 TO R5 ARE IMPLEADED AS PER ORDER DATED 17.06.2022 IN WPC NO. 13238/2022.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to permit the petitioner to ply the autorickshaws freely and pick up passengers from any stand in the light of Ext P2 & P7 judgments of this honourable court according to the permit conditions ,till the disposal of the Writ Petition(Civil).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's judgment dated 31/05//22 in WP(C) 13238/2022 and this court's order dated 17/06/2022 in WP(C)13238/2022 and upon hearing the arguments of M/S.P.M.SANEER, P.A.SHAJI SAMAD Advocates for the petitioners and of SENIOR GOVERNMENT PLEADER for respondents 1 and 2,the court passed the following:

AMIT RAWAL, J

W.P. No. 13238 of 2022

Dated this the 2nd day of August, 2022

ORDER

In continuation of the order dated 17.06.2022 of this Court, an action taken report has been filed on behalf of Assistant Commissioner of Police intimating that inadvertent parking of the vehicles on the roads, referred in Paragraph No.3, creates congestion which is only on account of insufficient parking space for the vehicles of the staffs, Advocates and general public who visit the High Court for urgent Court matters. Stringent action have been taken in compliance to the directions of this Court by issuing notices to traffic violations by booking the violators for not following the left side rule, overtaking, over-speeding, violating norms and awareness classes have also been conducted. Special zones for no horns have already been identified but the sign-boards have not yet been installed. There are about eighty(80) schools, twenty-one(21) Colleges, thirty-

W.P. (C) No. 13238 of 2022

-2-

one(31) hospitals and eleven(11) sensitive areas.

2. Noticing the aforementioned facts, I am of the view that the awareness programme requires to have wide circulation by causing an advertisement on radio channels operating in and around the area of Kochi or by installing a speaker on the Junctions with traffic lights a pre-recorded voice, so that the transporters, drivers of the stage carriage and auto rickshaws drivers, even the other people driving private vehicles will be sensitized in preventing the noise pollution and violation of the traffic.

3. It has been noticed by this Court that despite the order, many stage carriages, transport bus operators are still using the pressure horns which have been installed at extreme right side of the vehicle with a joy stick. They are impelled to use the same instead of normal horn in case of any necessity which would be arduous for the local police to overcome such problems.

4. In this view of the matter, I hereby issue the following directions:

W.P. (C) No. 13238 of 2022

-3-

(i) the Traffic Police is directed to ensure that all the owners of the transporters have removed the facility of pressure horns from all the private, official transports and auto rickshaws.

(ii) Two toll free telephone numbers should be painted/affixed or be notified in every stage carriage vehicles and auto rickshaws for lodging complaint by the passengers, in case any of the drivers of the transport bus etc indulge into the violation. On receipt of such complaint the police would take action in accordance with law after due verification.

(iii) It has also been noticed that auto rickshaws and bus operators stop at their convenience for taking up the passengers and not at the dedicated stops. Traffic Police is directed to issue directions to the transporters and further directions to drivers not to stop for alighting or taking the passengers except at the dedicated stops, failing which

W.P. (C) No. 13238 of 2022

-4-

violators should be dealt with in accordance with law.

(iv) Auto-rickshaws may be sensitized not to turn immediately on right turn side without looking at the back-view or side mirror. It has been found that few of the auto rickshaws are lacking the facility of the back-view or side mirror, which is very essential for driving. Police Commissioner is directed to ensure that all the auto rickshaws/buses are equipped with side view and back-view mirrors.

(v) Police Commissioner is directed to sensitize all the traffic cops to be alert as it has been mostly found that they are perpetually on their mobile phones while on duty. In case any of the traffic cops is found indulging into talking except urgent official or emergency calls and browsing the mobile phone while on duty any person noticing the same can upload the video in the aforementioned telephone numbers and permitted to lodge a

W.P. (C) No. 13238 of 2022

-5-

complaint.

(vi) Traffic Police is directed to challan the vehicles parked on the Marine Drive Road when there is sufficient parking place in the ground as parking space has already been awarded to a contractor and in case such action is not taken, the Police Commissioner will take disciplinary action against the erring police officials who are not following the rules.

(vii) Sign boards of 'No Horn' or 'Silence Zone' should be installed within three weeks at already identified places noticed in the action taken report.

For compliance, hearing of the matter is deferred to 31.08.2022.

Sd/-
AMIT RAWAL
JUDGE

VV

H/O

