

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.HRISHIKESH ROY
&
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF JULY 2018 / 15TH ASHADHA, 1940

WP(C).No. 24734 of 2017

PETITIONER(S):

DR.K.A.SEETHI
'RACHANA', HOUSING COLONY ROAD, PERINTHALMANNA,
MALAPPURAM DISTRICT.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SRI. H. PRAVEEN
SMT.T.V.NEEMA
SRI.T.S.NEJIMUDDIN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. SECRETARY TO GOVERNMENT
HEALTH AND FAMILY WELFARE DEPARTMENT,
THIRUVANANTHAPURAM-695001.
3. SECRETARY TO THE GOVERNMENT
HOME DEPARTMENT, THIRUVANANTHAPURAM-695001.
4. SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, THIRUVANANTHAPURAM-695001.
5. THE DIRECTOR OF HEALTH SERVICES
THIRUVANANTHAPURAM-695001.
6. THE DIRECTOR GENERAL OF POLICE (N/C) KERALA,
THIRUVANANTHAPURAM-695001.
7. THE DISTRICT COLLECTOR
MALAPPURAM-676505.
8. THE DISTRICT SUPERINTENDENT OF POLICE
MALAPPURAM-676505.
9. THE DISTRICT MEDICAL OFFICER, HEALTH
MALAPPURAM-676505.
10. THE SUB COLLECTOR
PERINTHALMANNA-679322.

W.P.(C).NO.24734/2017

**11. PERINTHALMANNA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, PERINTHALMANNA,
MALAPPURAM DISTRICT-679322.**

**R1-R10 BY ADV. SRI.K.V.SOHAN, STATE ATTORNEY
R BY SRI.P.C.SASIDHARAN, SC, PERINTHALMANNA MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-07-2018 ALONG
WITH W.P.(C).NO.25102/2017 AND W.P.(C).NO.35252/2017, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE DETAILS ABOUT MAJOR DISEASES CAUSED BY MOSQUITOES DOWNLOADED FROM THE NET.

EXHIBIT P2: TRUE COPY OF DEFINITION OF DENGUE FEVER AND ITS ROOT CAUSE DOWNLOADED FROM THE NET.

EXHIBIT P3: TRUE COPY OF THE NEWS ITEMS REPORTED IN INDIAN EXPRESS, KOCHI EDITION DT. 13-7-2017.

EXHIBIT P4: TRUE COPY OF THE PHOTOGRAPHS SHOWING THE PRESENT SITUATION IN SOME AREAS OF MALAPPURAM DISTRICT ESPECIALLY PERINTHALMANNA MUNICIPALITY.

EXHIBIT P5: TRUE COPY OF THE FEW PHOTOGRAPHS TO SHOW THE STORING OF WATER ON THE VEHICLES PARKED/DUMPED ON PUBLIC PLACES.

EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 14-7-2017 FILED BY THE PETITIONER BEFORE THE 7TH RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 14-7-2017 FILED BY THE PETITIONER BEFORE THE 8TH RESPONDENT.

EXHIBIT P8: TRUE COPY OF THE REPRESENTATION DATED 14-7-2017 FILED BY THE PETITIONER BEFORE THE 9TH RESPONDENT.

EXHIBIT P9: TRUE COPY OF THE REPRESENTATION DATED 14-7-2017 FILED BY THE PETITIONER BEFORE THE 10TH RESPONDENT.

EXHIBIT P10: TRUE COPY OF THE REPRESENTATION DATED 14-7-2017 FILED BY THE PETITIONER BEFORE THE 11TH RESPONDENT.

EXHIBIT P11 TRUE COPY OF THE GOVERNMENT CIRCULAR DATED 5-1-2009.

EXHIBIT P12 TRUE COPY OF THE GO(RT)3792/2010/HOME DATED 20-12-2010.

EXHIBIT P13 TRUE COPY OF THE GO(MS)223/2012/FIN DATED 17-4-2012.

EXHIBIT P14 TRUE COPY OF THE GO(RT)5740/13/FIN. DATED 11-7-2013.

EXHIBIT P15 TRUE COPY OF THE LETTER ISSUED BY THE ADDITIONAL D.G.P. DATED 9-5-2013.

RESPONDENTS EXHIBITS:

ANNEXURE R1(A): COPY OF THE PROPOSED GOVERNMENT ORDER.

//TRUE COPY//

P.S. TO JUDGE

HRISHIKESH ROY, AG.C.J.

&

A.K. JAYASANKARAN NAMBIAR, J.

W.P.(C).NOS.24734, 25102 & 35252 OF 2017

Dated this the 6th day of July, 2018

J U D G M E N T

Hrishikesh Roy, Ag.C.J.

Heard Sri. K. Mohanakannan, the learned counsel for the petitioner and Sri. P.C. Sasidharan, the learned Standing counsel for the 11th respondent Municipality in the W.P.(C).No.24734 of 2017, Smt. K. Nandini, the learned counsel for the petitioner in W.P.(C).No.25102 of 2017 as also Sri. Mahesh V. Ramakrishnan, the learned counsel for the petitioners in W.P.(C).No.35252 of 2017. The official respondents in all these writ petitions are represented by the learned State Attorney Sri. K.V. Sohan.

2. The petitioners are concerned with the failure of the State authorities in removing/disposing of the seized and confiscated vehicles, which are seen abandoned on the road sides and highways, and they have been cause of accidents and traffic congestion.

3. In pursuance to the order passed by this Court, the Government have prepared a draft disposal Scheme [Annexure R1(a)], and we find from the said Scheme that, the various categories of seized vehicles as well as those vehicles which are abandoned by the owners, have been taken into account. The procedure for disposal of the seized and abandoned vehicles are formulated in

the proposed Scheme. Apart from the measures incorporated in the Annexure R1(a), the petitioners have also forwarded their own suggestions to be incorporated in the Scheme, and the learned State Attorney submits that all such suggestions will be taken into account before the preparation of the final Scheme, for disposal of the seized and abandoned vehicles.

4. In the above context, the State Attorney clarifies that the Scheme will cover not only vehicles plying on the road but also water vessels, which are abandoned by the owners or seized for some other reasons.

5. We have taken note of the draft Scheme as well as the suggestions made by the petitioners. The agreement of the State Attorney to include the water vessels in the disposal measure is also recorded. As the problem emanating from the seized and abandoned vehicles have led to serious public nuisance, we direct the State to finalize the Scheme within the outer limit of four weeks' from today. It is ordered accordingly.

With the above order, the writ petitions stand disposed of.

**Sd/-
HRISHIKESH ROY
ACTING CHIEF JUSTICE**

**Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE**