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SLP(C)No. 4186 OF 2004
ITEM No.2

Court No. 2

SECTION XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4186/2004

(From the judgement and order dated 30/01/2004 in Contempt
Case(C)1422/03 of The HIGH COURT OF KERALA AT ERNAKULAM)

RAJASEKHARAN G. & ANR.

Petitioner (s)

VERSUS

KALOOR JOSEPH

Respondent (s)

(With prayer for interim relief and office report and for final disposal)

With

SLP(C)No.4583/2004,SLP(C)No.4584/2004,SLP(C)No.5089/2004,SLP(C)No.5514/2004
SLP(C)No.5516-5517/2004,SLP(C)No.5518-5519/2004,SLP(C)No.5522-5523/2004,
SLP(C)No.5524-5525/2004 (with appln.(s) for c/delay in filing SLP and deletion of the name of
respondent and with prayer for interim relief and office report and for final disposal)

Date : 10/02/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Ramesh Babu M.R.,Adv.
For State

in SLP(C)Nos.5514/04Mr. K. Sukumaran, Sr.Adv.
Mr. Nishe Rajen Shonker, Adv.
Mr. Balraj B., Adv.
Mr. Nirup Kumar, Adv.
ForM/s. T.T.K. Deepal & Co.

in SLP(C)Nos.4584/04,Mr. K.R. Radhakrishnan, Sr.Adv.
4583/04,5518-5519/04 for M/s. Lawyers Knit & Co.

.....2/-

: 2 :

in SLP(C)Nos.5516-17/04Mr. P. Sureshan, Adv.
Mr. Anurag Singh, Adv.
Mr. P.V. Dinesh, Adv.
Mr. Jogy Scaria, Adv.
Mrs. Sindhu, Adv.

in SLP(C)Nos.5089/04 &Mr. M.P. Vinod, Adv.
5524-5525/04Mr. Ajay K. Jain, Adv.
Mr. Arvind Kumar, Adv.

In SLP(C)5522-5523/04Ms. Sumita Hazarika, Adv.

For Respondent (s)Mr. Raju Ramachandran, Sr.Adv.
Mr. Joseph Pookkatt, Adv.
Mr. P.B. Sahasranaman, Adv.

Ms. Pooja Dhar, Adv.

Mr. Prashant Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

SLP(C)No.4583/2004, SLP(C)No.4584/2004, SLP(C)No.5089/2004, SLP(C)No.5516-5517/2004, SLP(C)No.5518-5519/2004, SLP(C) No. 5522-5523/2004, SLP(C)No. 5524-5525/2004

Delay condoned.

In these SLPs the petitioners are challenging an order of the High Court in the original petition as well as in the review petition which, in fact, has only upheld and given directions to the State Government to implement the directions issued in an earlier writ petition reported in 1986 KLT 712, as against which some of the aggrieved operators had approached this Court and the said order of the High Court and directions given therein have been upheld by the dismissal of the said SLP by this Court. We do not think these SLPs deserve any further consideration, therefore, the special leave petitions are dismissed.

: 3 :

SLP(C)No.4186/2004

This petition has been filed by the State against an order made by the High Court on 30th January, 2004 in a contempt petition wherein the High Court directed the State to comply with the directions issued in the main petition by ensuring that every stage carriage and heavy transport vehicle in the State is fitted with a speed governor on or before February 29, 2004. The actual direction issued in the writ petition is not challenged by the State but the learned counsel appearing for the State submits that the State has already issued a necessary Notification in regard to the fixation of speed governors in the goods as well as other heavy vehicles for the new vehicles only. He further submits that sufficient number of speed governors are not available in the market, therefore, it is practically not possible to comply with the directions issued by the High Court in regard to old vehicles within the time stipulated by the High Court hence, prays for time till 30th of December, 2005.

Learned counsel appearing for the respondents disputes the fact as to the non-availability of sufficient number of speed governors and oppose the extension of time. However, taking into consideration the facts and circumstances of this case, we consider it appropriate to extend the time granted by the High Court to comply with its direction in regard to fixation of speed governors up to 30th of September, 2005. We make it clear that no further time will be granted and the State of Kerala shall comply with the direction issued by the High Court within the extended period by us.

We direct the presence of the Secretary, Department of Transport in the contempt petition pending before the High Court is kept in abeyance till 30th September, 2005 in view of the above extension of time granted by us.

: 4 :

SLP(C)No.5514/2004

Delay condoned.

Learned counsel appearing for the petitioner is seeking permission to withdraw this petition since the main matter is pending before the High Court. The special leave petition is dismissed as withdrawn.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER