

The Hindu - Kerala 10.08.2009

Restriction on collection of parking fee

Staff Reporter

Ombudsman order relates to fees on roads that do not belong to corporation

The PWD had objected to the corporation collecting fee from roads which belonged to it

Ombudsman directs the government to take a decision within three months on the issue

KOCHI: The Ombudsman for Local Bodies, M.R. Hariharan Nair, restricted the collection of parking fee by the Kochi Corporation from roads that do not belong to it.

The Ombudsman ordered that the restriction would be in force until the government makes any amendments to law or issues specific administrative direction as a temporary measure regulating collection of parking fee in roads not belonging to local bodies.

The order was issued while considering a petition filed by D.B. Binu, general secretary of the Human Rights Defence Forum, Kochi.

The Corporation had argued that Section 472 of the Kerala Municipality Act enabled it to collect fees irrespective of whether the road concerned belonged to it or not. The Public Works Department had objected to the Corporation collecting fee from roads which belonged to it. The Section 472 is something akin to the one for establishment and collection of fees for markets, where the Corporation provides facilities for marketing and provides space there for which the user pays fee. Here, the parking is not on land belonging to the Corporation. Corporation has neither purchased nor hired any land for facilitating parking. It has also not earmarked any land of its own for parking of vehicles and no service or facility is provided by the Corporation to the vehicle owner in the matter, the Ombudsman said.

The Ombudsman's order, the complaint and the statements filed by the PWD and the Corporation should be forwarded to the Principal Secretary, Local Self Government Department, for issuing appropriate directions, which will be uniformly applicable to all local bodies, he directed.

If any amendment to Sec 472 or the Rule concerned or framing of new rules governing the matter is found necessary to enable collection of parking fee in areas that do not belong to the local body, it will be considered.

The Ombudsman directed the government to take a decision in three months.