

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WA.No. 532 of 2015 () IN WP(C).21298/2014

(ORDER DATED 3.2.2015 IN IA.1170 OF 2015 IN WP(C).21298/14)

APPELLANT(S)/APPELLANT/4TH RESPONDENT:

THE SECRETARY,
KERALA KSHETHRA SAMRAKSHANA SAMITHI DEVASWOM
VALAMANGALAM THEKKU.P.O, THURAVOOR, CHERTHALA
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.RAMESH

RESPONDENT(S)/RESPONDENTS/PETITIONER & RESPONDENTS 1,2,3 & 5:

1. CHANDRASEKHARAN K.P.,
S/O PADMANABHAN, KADAVAMPALLY KIZHAKKETHARA
VALAMANGALAM SOUTH.P.O, THURAVOOR, CHERTHALA
ALAPPUZHA DISTRICT.

2. THURAVOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, THURAVOOR.P.O, THURAVOOR
CHERTHALA, ALAPPUZHA DISTRICT.

3. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER, PWD ROADS DIVISION
ALAPPUZHA.

4. C.S.SWAMINATHAN,
CHALLIYIL HOUSE, KANICHUKULANGARA.P.O, CHERTHALA
ALAPPUZHA DISTRICT.

5. P.V.MANIYAPPAN,
SECRETARY, THURAVOOR GRAMA PANCHAYATH, THURAVOOR.P.O
CHERTHALA, ALAPPUZHA DISTRICT.

R3 BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY SRI.R.HARIKRISHNAN
BY SRI.P.K.IBRAHIM
BY SRI.C.A.RAJEEV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

W.A.No.532 of 2015

Dated this the 10th March, 2015

JUDGMENT

Ashok Bhushan, Ag, CJ.

Heard learned counsel for the appellant and the learned counsel for the respondents.

2. This Writ Appeal has been filed against the interim order dated 3.2.2015 in I.A.No.1170 of 2015 in WP(C). No.21298 of 2014. The Writ Petition was filed by the first respondent, wherein an interim order has been passed by the learned Single Judge observing that pendency of O.S.No.394/2015 filed by the appellant, who was the fourth respondent in the Writ Petition, shall not be a bar in completing the tarring work of the road. The Court further observed that the order will not be a bar for the Civil Court in proceeding with the issue projected by the fourth respondent in O.S.No.394 of 2015. Learned counsel for the appellant submits that the road is passing through the

property of the appellant and tarring of the road shall make the suit infructuous.

3. We are of the view that the appellant having already filed suit being O.S.No.394/2015, it is open for the appellant to seek such relief, including interim relief as permissible under law. We do not find any error in the order of the learned Single Judge by which it was clarified that there being no injunction, the road can be tarred. Tarring of the road is in public interest and we do not find any good ground to interfere with the interim order. The Writ Appeal is dismissed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs11/3/15