

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

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 4053 of 2015 (S)

PETITIONER(S) :-

ROSY ARACKAL, D/O.RAPHAEL ARACKAL, ARACKAL HOUSE,
NAYARAMBALAM P.O., ERNAKULAM DISTRICT, PIN-682 509.

BY ADVS.SRI.A.G.BASIL
SRI.P.K.SEBASTIAN

RESPONDENT(S) :-

1. STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT,
NARAKKAL, VYPIN ISLAND, PIN-682 505.
3. DISTRICT COLLECTOR, ERNAKULAM,
CIVIL STATION, KAKKANAD, PIN-682030.
4. GOSREE ISLANDS DEVELOPMENT AUTHORITY(GIDA) ,
REPRESENTED BY ITS SECRETARY, PARK AVENUE ROAD
COCHIN-682 011.
5. NATIONAL HIGHWAY AUTHORITY OF INDIA, PROJECT IMPLEMENTATION UNIT,
REPRESENTED BY ITS DIRECTOR, NHAI
THARAKAN'S 1ST FLOOR, NEAR ICICI, KALAMASSERY P.O.
PIN-682 104.
6. DIVISIONAL RAILWAY MANAGER, SOUTHERN RAILWAY,
ERNAKULAM,COCHIN-682 016.
7. SOMA ENTERPRISES LTD., SOMA HEIGHTS, 3 SIDHI VINAYAK SOCIETY,
KARVE ROAD, PUNE-411 038.
8. DUBAI PORT WORLD (DP WORLD) ,
REPRESENTED BY ITS MANAGING DIRECTOR, VALLARPADOM
COCHIN-682 031.

BY SRI.C.S.DIAS, SC
BY SRI.THOMAS ANTONY, SC, NATIONAL HIGHWAY
BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1:TRUE COPY OF PAPER REPORT APPEARED IN THE MALAYALA MANORAMA DAILY
DATED 20.5.2014.

EXT.P1(a):TRUE ENGLISH TRANSLATION OF EXHIBIT P1.

EXT.P2:TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE
SECRETARY, GIDA, 4TH RESPONDENT DATED 8.12.2014.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.4053 of 2015

Dated this the 9th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking the following reliefs :-

- (i) Direct the 1st respondent to file a detailed report before this Honourable Court, the steps they have taken to avoid road blocks on Ernakulam - Vypin Bridge (Goshree bridges);
- (ii) Direct the 3rd respondent (District Collector) to issue instructions to 7th respondent complete the replacing of one of the spans of the parallel bridges immediately;
- (iii) Declare that Vypin islanders have the right to move freely through Ernakulam - Vypin Goshree bridges without any traffic block;
- (iv) Direct the 5th respondent to remove the road block in Ernakulam - Vypin (Goshree) bridges and to facilitate the smooth passage of public transport system and other private vehicles of the people of Vypin island;
- (v) Direct the 2nd respondent to file a detailed report before this Hon'ble Court with regard to the steps taken by him to facilitate the smooth running of vehicular traffic in Vypin island through Ernakulam - Vypin road;
- (vi) Direct the 4th respondent to dispose of Ext.P2 representation submitted by the petitioner.

2. The petitioner has filed this writ petition in the form of a public interest litigation. According to him, on account of the delay in constructing the bridge, there is heavy traffic problem being faced by the islanders of Vypin. No action is being taken by the

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respondents to complete the construction of railway bridge within the time frame.

3. A perusal of averments in the writ petition discloses that this is a matter, which cannot be agitated as a public interest litigation. Even according to the petitioner, the work in relation to the bridge is progressing. When the work will be completed or not are matters which could not be monitored or interfered by this Court, nor can any direction be issued. Construction of the bridge depends upon various factors which has to be considered by the project proponent and the executing authority. This Court cannot issue any direction as the matter stands now. Even otherwise, the road is not completely blocked and the blockage happens only once in a while when train passes through the Vallarpadam terminal carrying containers, which according to the learned Government Pleader, occurs only at the most once in a day.

Under such circumstances, we do not think it necessary to entertain this writ petition as a public interest litigation matter. Accordingly, the same is closed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE