

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No.5103 of 2014 (K)

PETITIONER:

**SASTRI NAGAR RESIDENT'S ASSOCIATION,
(REG.NO.ER.753/97),SMARTO ROAD,
SHASTRI NAGAR,KADAVANTHRA,KOCHI-682 020,
REPRESENTED BY ITS SECRETARY,
ISMAIL P.M.,AGED 53 YEARS,S/O.MOHAMMED ALI,
RESIDING AT L-11,SASTHRI NAGAR,KADAVANTHRA SOUTH,
KOCHI - 682 020.**

**BY ADVS.SRI.SANTHOSH G. PRABHU
SRI.S.KANNAN
SRI.P.S.APPU
SMT.A.ASWATHY**

RESPONDENTS:

- 1. GREATER COCHIN DEVELOPMENT AUTHORITY,
KADAVANTHRA,ERNAKULAM-682 020,
REPRESENTED BY ITS SECRETARY.**
- 2. CHAIRMAN,GREATER COCHIN DEVELOPMENT AUTHORITY,
KADAVANTHARA,ERNAKULAM - 682 020.**

**R1 BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.KANDAMPULLY RAHUL
SRI.MIDHUN BABY JOHN**

BY SMT.K.R.KRISHNAKUMARI,SC,GREATER COCHIN DEVELOPMENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.5103 of 2014 (K)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:A TRUE COPY OF THE REPRESENTATION DATED 13/01/2014 SUBMITTED
BY THE PETITIONER ASSOCIATION BEFORE THE 2ND RESPONDENT.**

**EXT.P2:A TRUE COPY OF THE ROUGH SKETCH OF EXISTING ROAD OF THE
SASTHRI NAGAR HOUSING COLONY AND THE PROPOSED NEW ROAD.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 5103 of 2014

Dated this the 13th day of February, 2015

J U D G M E N T

The petitioner association approached this Court aggrieved by the inaction on the part of the respondents on Ext.P1 representation submitted by them.

2. The petitioner is an association of 112 families, who are the residents of Shastri Nagar at Kadavanthra South. Shasthri Nagar Housing Colony is a housing project formed and developed by the 1st respondent. According to the petitioner association, the roads and drainage in the said project are constructed with the amounts collected from the owners of the houses in the project, which are intended for the use of the residents of the housing colony only. The petitioner alleges that now, the 1st respondent proposed to construct a new road on the southern side of the Shastri Nagar Housing Colony; and the 1st respondent proposed to annex the existing

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road of the housing colony to the new road so as to get the proposed width. It is further alleged that lot of vehicles including heavy vehicles would ply over the proposed road, which would result in heavy traffic and would affect the safety and peaceful life of the residents of the housing colony. The petitioner points out that in the similar housing colony projects of the 1st respondent, the 1st respondent maintained the existing road of the housing colony project as service roads for the exclusive use of the residents in the housing colony. The petitioner alleges that the 1st respondent discriminated the residents of the Sastri Nagar Housing Colony. The petitioner's grievance is that though they have submitted Ext.P1 representation on 13.01.2014 before the 2nd respondent pointing out the inconvenience and protest against the construction of new road, without considering the representation, the respondents are continuing with their construction of the new road as they proposed. It is with this background, the petitioner has come up before

this Court.

As the limited prayer in this writ petition is only for a consideration of Ext.P1 representation, the writ petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P1 after affording the petitioner association an opportunity of being heard. This exercise shall be completed within a period of three months from the date of receipt of a copy of this judgment. To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment along with a copy of Ext.P1 representation before the 1st respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-