

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

WP(C).No. 7491 of 2015 (S)  
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PETITIONER(S) :-  
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M.K.SALIM, AGED 59 YEARS  
S/O. AHAMED KUNJU, CHAIRMAN  
SPEED WELFARE ORGANISATION (UNIT OF ENGLISH OXFORD INTERNATIONAL  
CHARITABLE TRUST) REG. NO. 6/IV/2006  
NAJI MANZIL, MAIN ROAD, KOLLAM.

BY ADVS.SRI.SHERRY J. THOMAS  
SRI.ARUN ALEX

RESPONDENT(S) :-  
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1. MINISTRY OF URBAN AFFAIRS  
REPRESENTED BY ITS SECRETARY, GOVERNMENT OF KERALA  
SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. MINISTRY OF ROAD TRANSPORT AND HIGHWAYS  
REPRESENTED BY ITS SECRETARY (SR & T (B) SECTION)  
TRANSPORT BHAVAN 1, NEW DELHI -110 001.
3. DIRECTOR, KERALA SUSTAINABLE URBAN DEVELOPMENT PROJECT (KSUDP)  
5TH FLOOR, TRANS TOWERS, VAZHUTHACAD, THIRUVANANTHAPURAM-695 104.
4. DISTRICT COLLECTOR, KOLLAM COLLECTORATE, KOLLAM - 691 001.
5. CHIEF ENGINEER, GOVERNMENT OF KERALA,  
OFFICE OF THE CHIEF ENGINEER, PWD NATIONAL HIGHWAYS (KERALA)  
THIRUVANANTHAPURAM - 695 001.
6. KOLLAM CORPORATION, REPRESENTED BY ITS SECRETARY, KOLLAM-691 001.
7. URBAN SPECIALIST, ADB. BANK - INDIA RESIDENT MISSION,  
CHANAKYAPURI, NEW DELHI - 110 021.
8. M/S. LAKSHMANAN & CO.  
CONSTRUCTING CONTRACTOR, KOLLAM - 691 013.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS  
R6 BY SRI.M.K.CHANDRA MOHAN DAS, SC

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

APPENDIX

PETITIONER(S) ' EXHIBITS :-  
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EXHIBIT-P1-TRUE COPY OF THE APPROVED DIAGRAM OF UNDERPASS.

EXHIBIT-P2-TRUE COPY OF THE NEWS PAPER REPORT IN MATHRUBHUMI DAILY.

EXHIBIT-P2(a)-TRUE COPY OF THE TRANSLATION OF EXHIBIT-P2.

EXHIBIT-P3-TRUE COPY OF THE NEWS PAPER REPORTED IN MALAYALA MANORAMA DATED 23/02/2015.

EXHIBIT-P3(a)-TRUE COPY OF THE TRANSLATION OF EXHIBIT-P3.

EXHIBIT-P4-TRUE COPY OF THE NEWS PAPER REPORT IN KERALA KAUMUDHI DAILY DATED 25/02/2015.

EXHIBIT-P4(a)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P4.

EXHIBIT-P5-TRUE COPY OF THE REPORT IN HINDU NEWS PAPER INTERNET EDITION DATED 11/02/2015.

EXHIBIT-P6-TRUE COPY OF THE PHOTOGRAPHS OF THE AREA.

EXHIBIT-P7-TRUE COPY OF THE FORWARDING NOTE DATED 09/09/2013 ISSUED TO THE 4TH RESPONDENT.

EXHIBIT-P8-TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER.

RESPONDENT(S) ' EXHIBITS :- NIL  
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//TRUE COPY//

P.A. TO JUDGE

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

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**W.P.(C) No.7491 of 2015**  
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**Dated this the 10<sup>th</sup> day of March 2015**

**J U D G M E N T**

**Shaffique, J.**

The petitioner has approached this Court by filing the writ petition in the form of a Public Interest Litigation, seeking for the following reliefs :-

- “(i) Call for the entire records pertaining to the facts pleaded in the writ petition.
- (ii) Issue a writ of mandamus, any other order, writ or direction, directing the 4<sup>th</sup> respondent to conduct local inspection/enquiry and report the actual measurement and deviation from the approved plan.
- (iii) Issue a writ of mandamus, any other order, writ or direction, directing the respondents 3, 4 and 5 to maintain the width of the adjoining road in the western side (North-South direction) of the landing of the Kollam Chinnakkada underpass bridge as 6.5 metres as per the approved plan.
- (iv) Issue a writ of mandamus, any other order, writ or direction, directing the respondents 2, 3, 5 and 8 to construct the underpass landing bridge/approach road on pillars instead of mud filling.
- (v) Issue a writ of mandamus, any other order, writ or direction, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondent to conduct an enquiry about the unauthorized deviation and inconvenience caused to the general public due to the decrease in width of the road.

-: 2 :-

(vi) Issue a writ of mandamus, any other order, writ or direction, directing the erring respondents to compensate the public exchequer for unauthorized deviation in the approved plan and charge the cost of rectification of works from them personally.”

2. It is inter alia contended that certain major deviations have been effected in the traffic round at Chinnakkada by constructing roads, bridges etc. The allegation raised by the petitioner is that the plan which was already approved by the competent authorities has been deviated and attempt is being made to reduce the width of the road. According to him, the matter has to be enquired into by the competent authority and it is not open for the 6<sup>th</sup> respondent Corporation or the other office bearers to change the approved plan according to their whims and fancies.

3. Having gone through the averments in the writ petition, we do not think that this is a matter in which a public interest litigation can be entertained. The preparation of plan, deviation etc. are being done by expert agencies depending upon the factual situation involved in the matter and taking into consideration various factors which cannot be monitored by this Court in a public interest litigation. If the petitioner

-: 3 :-

has any grievance regarding the alignment, it is open for him to approach the competent authorities.

Under such circumstances, we do not think it necessary to entertain the writ petition. It is hence, dismissed.

**Sd/-**  
**ASHOK BHUSHAN**  
**Ag. CHIEF JUSTICE**

**Sd/-**  
**A.M. SHAFFIQUE**  
**JUDGE**

Jvt