

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 7519 of 2015 (L)

PETITIONER(S):

- 1. PAILO VARGHESE, AMBALATHIL HOUSE,
THALAYOLAPARAMBU P.O., VAIKOM,
KOTTAYAM.**
- 2. K.J.JOSE, KANIYARUKUNEL HOUSE,
THALAYOLAPARAMBU P.O., VAIKOM,
KOTTAYAM.**

**BY ADVS.SRI.ROY CHACKO
SRI.P.S.GEORGE**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF PUBLIC WORKS, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM-686 001.**
- 3. THE DISTRICT POLICE CHIEF,
KOTTAYAM-686 001.**
- 4. THE EXECUTIVE ENGINEER PWD,
(ROADS), KOTTAYAM-686 001.**
- 5. THE ASSISTANT EXECUTIVE ENGINEER PWD,
(ROADS) THALAYOLAPARAMBU, VAIKOM-686 004.**
- 6. SAJIVARGHESE, NADUVILEKURICHYIL,
THALAYOLAPARAMBU, VAIKOM,
KOTTAYAM-686 004.**
- 7. THE SUB INSPECTOR OF POLICE,
THALAYOLAPARAMBU - 680 014.**

R1 TO R5 & R7 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. PHOTOGRAPHS REGARDING THE NATURE OF THE ILLITHONDU-KURICHI ROAD DATED NIL.
- EXT.P2. PHOTOGRAPHS REGARDING THE ACCIDENT AT ILLITHONDU-KURICHI ROAD DATED NIL.
- EXT.P3. PHOTOGRAPHS REGARDING CURVE PORTION AT KURICHI JUNCTON DATED NIL.
- EXT.P4. TRUE COPY OF THE RELAVANT PAGES OF THE MASS PETITION DATED 15/1/2015 FILED BY THE PETITIONERS AND OTHERS.
- EXT.P5. TRUE COPY OF THE PAPER REPORT APPEARED IN DEEPIKA DAILY DATED 1/1/2015.
- EXT.P6. TRUE COPY OF THE PAPER REPORT APPEARED IN MANGALAM DAILY DATEDE 12/1/2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7519 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"1) mandamus directing the respondents to straighten the Kurichi curve by acquiring the required land from the 6th respondent expeditiously or arrange direct purchase from the land owner.

2) mandamus directing the respondents to consider the grievance raised in Ext.P4 and develop the Illithondu-Kurichi Road to the standard width of the main road within the shortest possible time.

3) issue such other orders as is deemed fit and proper to grant in the circumstances of this case."

2. Heard the learned Government Pleader as well.

3. The learned counsel for the petitioners submits that, the petitioners have already moved the concerned respondents by submitting Ext.P4 mainly with a prayer to take necessary steps to acquire the property concerned and to straighten the sharp curve

on the spot, so as to avoid accidents, which will resolve the entire issue once and for all, thus saving the lives and limbs of the general public and the nearby inhabitants.

4. Despite the completion of service of notice, the 6th respondent, whose property is sought to be acquired as pointed out in Ext.P4, has not turned up before this Court. This Court does not intend to express anything with regard to the merits of this case. It is for the competent authority to have the grievance projected by the petitioners to be considered.

5. The learned Government Pleader points out that considering the importance of the issue, the matter has been taken up before the Traffic Advisory Committee, who has taken a decision to introduce 'one-way traffic system' to a stretch of about 1.5 kms at the location along the Kottayam-Vaikom Road. It is stated that, the petitioners are also at liberty to move the Traffic Advisory Committee, if at all any further modification is required.

6. In the above circumstances, the 2nd respondent is directed to consider Ext.P4 and pass appropriate orders after affording an opportunity of hearing to the petitioners, 6th

respondent and other interested parties, if any, which shall be done at the earliest, at any rate, within a period of 'two months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE**

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