

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8434 of 2015 (D)

PETITIONERS :

1. RAJU P.D., AGED 54 YEARS,
S/O.DAMODARAN, PUTHUPARAMBIL HOUSE,
JELLIPARA (PO) AGALI, ATTAPPADI, MANNARKKAD,
PALAKKAD DISTRICT
2. SHAJI.P.V,S/O.P.P.VARKEY,
PUTHENMANAYIL, JELLIPARA (PO), AGALI,
MANNARKKAD, PALAKKAD DISTRICT
3. NATARAJAN
S/O.RANGAN, KARADIPARA OORU KARARA (PO), AGALI,
MANNARKKAD, PALAKKAD DISTRICT
4. KESAVAN,
S/O.PANGAN, CHETTIPALLIYAL HOUSE, JELLIPARA (PO)
AGALI, MANNARKKAD, PALAKKAD DISTRICT
5. RAJESH.K.S
S/O.SIVARAMAN, KEEZHUVEETIL HOUSE, JELLIPARA (PO)
AGALI, MANNARKKAD, PALAKKAD DISTRICT
6. SHYJU,S/O.FRANCIS
KALARICKAL HOUSE, JELLIPARA (PO), AGALI
MANNARKKAD, PALAKKAD DISTRICT

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENTS :

1. STATE DISASTER MANAGEMENT AUTHORITY,
REVENUE COMPLEX, PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM - 695 001
REPRESENTED BY ITS SECRETARY
2. DISTRICT COLLECTOR, PALAKKAD 678 011
3. PROJECT OFFICER
INTEGRATED TRIBAL DEVELOPMENT,
PROJECT(ITDP PROJECT), BLOCK OFFICE
AGALI, PALAKKAD 678 581

WP(C).No. 8434 of 2015 (D)

**4. AGALI BLOCK PANCHAYAT
REPRESENTED BY ITS SECRETARY, PALAKKAD 678 581.**

**5. ASSISTANT ENGINEER ITDP PROJECT
AGALI (PO), MANNARKKAD, PALAKKAD DISTRICT 678 581**

**6. THANKEVELU,
QCONTRACTOR, CHAVADIYOOOR, AGALI (PO),
ATTAPADI, PALAKKAD DISTRICT 678 581.**

**R1 TO R5 BY GOVERNMENT PLEADER SRI. K.C. VINCENT
R6 BY ADV. SRI. JACOB SEBASTION**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: COPY OF THE GO(RT) 4791/2014/DMD OF THE 1ST RESPONDENT DATED 1/10/2014.
- EXHIBIT P2: COPY OF THE NEWS PAPER REPORT IN DESHABHIMANI DAILY DATED 22/10/2014
- EXHIBIT P3: COPY OF THE NEWS PAPER REPORT DEEPIKA DAILY DATED 8/3/2015.
- EXHIBIT P4: COPY OF THE REPRESENTATION DATED 27/2/2014 SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT.
- EXHIBIT P5: COPY OF THE APPLICATION FILED UNDER THE RIGHT TO INFORMATION ACT BY THE 2ND PETITIONER.
- EXHIBIT P6: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 30/12/2014
- EXHIBIT P7: COPY OF THE TECHNICAL SANCTION WITH ESTIMATE AND CERTIFICATE.
- EXHIBIT P8: COPY OF THE TENDER NOTIFICATION DATED 11/2/2015 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P9: COPY OF THE COMMUNICATION SENT BY THE 3RD RESPONDENT TO THE 6TH RESPONDENT DATED 2/3/2015
- EXHIBIT P10: COPY OF THE COMMUNICATION SENT BY THE 5TH RESPONDENT TO THE 2ND PETITIONER DATED 6/3/2015.
- EXHIBIT P11: COPY OF THE PHOTOGRAPHS TO SHOW THE NATURE OF THE ACHANMUKKU-JELLIPARA ROAD.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 8434 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- “(i) To issue a writ of certiorari or any other appropriate writ order or direction calling for the records leading to Ext.P1 in so far as it according sanction for construction/restoration of Asramam-Nellikanam road (Sl.No.19 in Ext.P1) and to quash the same;*
- (ii) To issue a writ of certiorari or any other appropriate writ order or direction calling for the records leading to Ext.P6, P7 and P8 and quash the same.*
- (iii) To issue a Writ of mandamus or any other appropriate writ or order or direction directing the Respondents 1 to 5 to sanction funds for repair/restoration of Achanmukku-jellipara road as requested in Ext.P4 within a time frame to be fixed by this Hon'ble Court;*
- (iv) To issue a Writ of mandamus or any other appropriate writ or order or direction Directing the 2nd Respondent to conduct an enquiry in the matter of forwarding proposals/recommendations for including the Asramam-Nellikanam road in the Disaster Management Fund scheme and to take action against the persons responsible for the same;*
- (v) To issue a Writ of mandamus or any other appropriate writ or order or direction directing Respondents 1 to 5 to ensure that the Achanmukku-Jellipara road in Agali Grama Panchayat is tarred and make fit for use by utilising the funds of the 1st Respondent within a time*

frame to be fixed by this Hon'ble Court.

(vi) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case."

2. The grievance of the petitioners is that, on satisfying the sad plight of the Achanmukku-Jellipara road and the immediate requirement to carry out the essential repairs to bring back the road to normal condition, an amount of nearly Rs.10 lakhs was sanctioned as per Ext.P1 G.O. bearing No.GO(Rt) 4791/2014/DMD dated 01.10.2014. The fund has been caused to be diverted to effect the repairs of Asramam-Nellikkanam Road which is having hardly a length of 500 meters and is serving only three families, who according to the petitioners are related to the President of the concerned Local Level Authority. The repair works are badly needed in respect of the other road, which is serving more than 200 families including an Adivasi Colony. The attempt made behind the curtain, in causing the diversion has already been projected by way of Ext.P4 before the 2nd respondent by the general public. The learned counsel for the petitioners also points out that, even though the contract work has been awarded to the 6th respondent, no agreement has been executed in connection with the 'Asramam-Nellikkanam' Road as

discernible from Ext.P10 information gathered by invoking the provisions under the RTI Act.

3. Heard the learned counsel appearing for the 6th respondent as well.

4. After hearing both the sides, this Court finds that the matter requires to be considered by the 2nd respondent. As such, there will be a direction to the 2nd respondent to consider Ext.P4 and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the 1st petitioner in a representative capacity besides affording an opportunity of hearing to the other interested parties, including the concerned Grama Panchayat and the 6th respondent. It shall be done, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment. 'Status quo' shall be maintained till such time.

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

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.