

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14436 of 2015 (S)

PETITIONER(S) :-

JAFFER KHAN, AGED 51 YEARS
S/O.OUKKAR HAJI, KARUVELIL HOUSE, ARAKKAPPADI VILLAGE
VENGOLA P.O.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENT(S) :-

1. STATE OF KERALA
REP.BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT,
SECRETARIAT, TRIVANDRUM - 695 001.
3. EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT (ROAD DIVISION)
MUVATTUPUZHA - 682 051.
4. SUPERINTENDING ENGINEER, PUBLIC WORKS DEPARTMENT,
GOVERNMENT OF KERALA, ERNAKULAM - 682 014.
5. EXECUTIVE ENGINEER
NATIONAL HIGHWAY AUTHORITY, MUVATTUPUZHA - 682 051.
6. RAJI MATHEW, PANPALANIYIL,
BHARANGANAM P.O., KOTTAYAM DISTRICT - 686 001.

R1-R5 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 14436 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1: THE TRUE PHOTOCOPY OF THE REPRESENTATION BEFORE THE
2ND RESPONDENT.

EXHIBIT-P2: THE TRUE COPY OF THE RELEVANT PAGES OF AGREEMENT
SCHEDULE EXECUTED BY THE 4TH RESPONDENT AND THE 6TH RESPONDENT.

EXHIBIT-P3: THE TRUE PHOTOCOPY OF REPRESENTATION BEFORE THE
RESPONDENTS.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.14436 of 2015

Dated this the 21st day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed as a public interest litigation seeking a direction to respondent Nos.2 to 5 to supervise the maintenance/construction of Arackapaddy-Mangalathunada Road and to complete the construction under the Bituminous Macadam and Bituminous Concrete (BMBC) method and also to conduct proper inspection for verification as to the usage of the entire fund allotted for the construction.

3. Learned Special Government Pleader on instructions would submit that the work on the aforesaid road is in progress.

4. We have gone through the averments in the writ petition and the representation sent by the petitioner to the State authorities. Construction of road, maintenance and inspection are basically the functions of the State authorities including the Public Works Department, who are entrusted with the duties of

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construction, maintenance and supervision of roads in the State. The prayer made in the writ petition is for a direction to supervise the maintenance and construction of the road, which are within the normal duties of the authorities. We see no reason to entertain this public interest litigation for the aforesaid relief. In any event, if there is any grievance, it is for the higher authorities or the Public Works Department or the State to look into the same.

With these observations, this writ petition is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE