

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 15011 of 2015 (B)

PETITIONER :

**DARLY JAMES, AGED 45 YEARS,
W/O.A.J.SAJI, ARESSERIL, POLLETHAI P.O.,
KALAVOOR VILLAGE, KATTOOR MURI, ALAPPUZHA.**

BY ADV. SRI.B.PRAMOD

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**
- 2. THE CHIEF ENGINEER,
ROADS AND BRIDGES DIVISION, PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM.**
- 3. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION, ALAPPUZHA.**
- 4. THE DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 15011 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE TAX RECEIPTS DATED 23-4-2015.**
- P2 : TRUE COPY OF THE LICENSE ISSUED BY THE ALAPPUZHA MUNICIPALITY FOR RUNNING THE HOSPITAL.**
- P3 : TRUE COPY OF THE APPLICATION DATED 10-7-2012 SUBMITTED BY THE PETITIONER.**
- P4 : TRUE COPY OF THE REPLY DATED 3-8-2012**
- P5 : TRUE COPY OF THE PROJECT REPORT ACCOMPANIED BY THE LAYOUT OF THE PROPOSED ROAD SUBMITTED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.**
- P6 : TRUE COPY OF THE ROUGH SKETCH PREPARED BY THE PETITIONER.**
- P7 : TRUE COPY OF THE REPRESENTATION DATED 15-10-2014 SUBMITTED TO THE 2ND RESPONDENT.**
- P8 : TRUE COPY OF THE REPRESENTATION DATED 23-4-2015 SUBMITTED TO THE 4TH RESPONDENT.**

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

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

W.P.(C) No. 15011 of 2015 (B)

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner is aggrieved by the project report prepared by the Public Works Department (Roads and Bridges) as indicated at Ext.P5. The petitioner contends that there is a viable alternative by which the construction of the road as per the project report can be avoided and the same can be connected with a PWD road which would serve the very same purpose.

2. However, it is not for this Court to look into whether the project report is proper and whether there is an alternate viable proposal. This Court also cannot interfere with the construction of the road, which is aimed at connecting the coastal highway, and intended for the purpose of easing the traffic within Alapuzha town. The petitioner's grievance is only with respect to inevitable acquisition of her property if the project materialises.

3. Individual interest should concede to public need and the only right of the petitioner, in the event of acquisition, is compensation. However, since an application has been filed before the Chief Engineer, Public Works Department (Roads and Bridges) as per Ext.P7, the Chief Engineer would consider the same after hearing the petitioner and pass a speaking order. The petitioner shall appear before the Chief Engineer's Office and produce certified copy of the judgment and also a copy of the writ petition on **18.6.2015**. The Chief Engineer's Office shall give a date of hearing within two months thereafter and the matter shall be disposed of within a month from the date of hearing.

Writ Petition is disposed of making it clear that this Court has not expressed any opinion on the merits of the matter.

Sd/-
K.VINOD CHANDRAN,
JUDGE