

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYASHTA, 1937

WP(C).No. 17283 of 2015 (I)

PETITIONER :

**V.J.GEROGE, S/O.JOSEPH, AGED 68 YEARS,
VELLAPLACKAL, PANDAPPILLY P.O, PANDAPPILLY DESOM,
ARAKUZHA VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE EXECUTIVE ENGINEER, MVIP DIVISION-III, MUVATTUPUZHA
ERNAKULAM DISTRICT - 686 672.**
- 2. THE SUPERINTENDENT ENGINEER,
MVIP DIVISION-III, MUVATTUPUZHA,
ERNAKULAM DISTRICT - 686 672.**
- 3. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
IRRIGATION DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE MASS PETITION SUBMITTED BY THE LOCAL PEOPLE BEFORE THE HONOURABLE MINISTER FOR WATER RESOURCE DEPARTMENT DATED 29.01.2015.
- P2: TRUE COPY OF THE REPRESENTATION DATED 04.05.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- P3: TRUE COPY OF THE REPLY DATED 27.04.2015 ISSUED BY THE FIRST RESPONDENT INTIMATING THAT THE CANAL BUND ROAD IS A PUBLIC WAY AND DEPARTMENT HAS NO OBJECTION TO TRANSPORT VEHICLES EXCEPT HEAVY LOAD VEHICLES THROUGH THE SAID ROAD

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.,A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

W.P.(C) No. 17283 of 2015 (I)

Dated this the 19th day of June, 2015

J U D G M E N T

The petitioner has filed the above writ petition with the following prayer:

“Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to remove all encroachment including interlock tiles, trees and car shed over the canal bund road (Inspection Road) and thereby open the same to general public for vehicular traffic within a reasonable period which this Honourable Court may deem fit and proper in the interest of justice and circumstances of the case.”

2. As for the issue of removing the encroachment, the learned Government Pleader, on instructions, submits that the District Administration is seized of the matter and they are in the process of removing such encroachment. The same shall be done expeditiously. As for allowing

vehicular traffic on the road, there cannot be any direction issued since it would depend on many factors which the District Administration or the Department, on whom the road vests, would decide it at the appropriate time.

Writ petition closed recording the above submission.

Sd/-
K.VINOD CHANDRAN,
JUDGE