

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WP(C).No. 17655 of 2015 (S)

PETITIONER(S) :-

SHRI.GEORGE JOHN, AGED 51 YEARS
S/O.G.JOHN, 230, MATHER NAGER
KOCHI - 682 033.

BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY
SRI.BIJISH B.TOM

RESPONDENT(S) :-

1. THE CHIEF SECRETARY
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
3. THE SECRETARY, TRANSPORT DEPARTMENT
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
4. THE HONOURABLE MINISTER FOR HOME AFFAIRS
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
5. THE HONOURABLE MINISTER FOR TRANSPORT
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

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

WP(C) .No. 17655 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE ARTICLE BEARING NO.ISSN 0971-0973
PUBLISHED IN THE JOURNAL OF INDIAN ACADEMIC FORENSIC.

EXT.P2- TRUE COPY OF THE REPORT /CASE STUDY.

EXT.P3- A DETAILED CHART/EXTRACT OF THE VARIOUS TRAFFIC OFFENCES
AND THE PENALTIES PERTAINING TO LANE INDISCIPLINE.

EXT.P4- A TRUE COPY OF THE PROJECT PROPOSAL FOR IMPLEMENTATION OF
LANE ADHERENCE SUBMITTED BY THE PETITIONER.

EXT.P5- THE TRUE COPY OF THE RULES OF ROAD REGULATIONS 1989.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

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

W.P.(C) No.17655 of 2015

Dated this the 19th day of June 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court by filing this public interest litigation seeking for the following reliefs :-

- “(i) To issue writ of mandamus or other appropriate writ, direction or order directing the respondents to take effective measures for implementation and enforcement of specific laws, rules and regulations relating to the adherence of lane discipline including Ext.P5 rules of the Road Regulations, 1989 in the State of Kerala and formulate a time bound plan to revolutionize the roads to ensure the beginning of a decent driving culture as in the civilized parts of the world.
- (ii) To issue writ of mandamus or other appropriate writ, direction or order directing the respondents to consider and to take appropriate steps to spread awareness of lane discipline amongst the personnel in charge of road traffic & safety and the public at large.”

2. According to the petitioner, though Ext.P5 Rules are in force, no action is being taken by the competent authorities to enforce the same. The petitioner points out that in a detailed study conducted in the matter it would reveal that there is absolutely no action being taken for violating the traffic laws and regulations and no effort is being taken by the commuters in maintaining the lane traffic. If such lane traffic is maintained, according to the petitioner, it would avoid accidents and may tend to create an atmosphere of disciplined driving conditions on the road.

3. The petitioner also submits that presently, the fine imposed in respect of traffic offence is very meagre and therefore, unless proper directions are issued by this Court, it may not be possible for the authorities to implement the regulations with full force.

4. Having considered the submission made by the learned counsel for the petitioner and having perused the records, we do not think that this issue can be decided in a public interest litigation. It is not in dispute that this country lacks infrastructure for the roads and on account of large number of vehicles being plying on the road, it may not be possible for the agencies to implement the regulations in full force. To ensure proper traffic conditions, unless proper awareness is being made by the non-governmental organisations and other governmental agencies, the trauma faced by the commuters and the public cannot be settled. We do not think that such issues can be dealt with in a public interest litigation matter. It is for the Government to frame appropriate policies and make necessary traffic facilities to enable smooth functioning of a traffic system which has to be monitored by approved agencies or the police as the case may be. These are all matters to be considered by the Government and appropriate

W.P.(C) No.17655 of 2015

-: 3 :-

policies are to be framed by them. This Court cannot monitor such issues and direct to implement special laws, rules or regulations, which are still in force.

With the above observation, this writ petition is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

Jvt