

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 27368 of 2015 (U)

PETITIONER :

**SREEKUMAR.B.,S/O.BALAKRISHAN, AGED 45 YEARS,
KODITHURA HOUSE, HARBOUR ROAD, VIZHINJAM.P.O.,
THIRUVANANTHAPURAM-695 521**

**BY ADV. SRI.NIDHI BALACHANDRAN
SRI.JAYAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF TOURISM, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001**
- 2. THE DIRECTOR, DEPARTMENT OF TOURISM,
PARKVIEW, THIRUVANANTHAPURAM-695 033**
- 3. KERALA SMALL INDUSTRIES DEVELOPMENT CORPORATION LTD.
(SIDCO) REPRESENTED BY ITS MANAGING DIRECTOR,
HOUSING BOARD BUILDINGS 6TH FLOOR, SANTHI NAGAR,
THIRUVANANTHAPURAM, P.B.NO.50, PIN-695 001**

**R1 & R2 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN
R3 BY ADV. SRI.R.T.PRADEEP
SMT.K.K.RAZIYA, SC, SMALL INDUSTRIES DEVP. CORPN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.27368/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER NO.P6-13571/2012 DATED 02/11/2012 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT**
- P2 COPY OF THE INTERIM ORDER DATED 19/06/2013 IN WP(C).NO.7336/2013(N)**
- P3 COPY OF THE INTERIM ORDER DATED 16/08/2013 IN WP(C).NO.7336/2013 (N)**
- P4 COPY OF THE INTERIM ORDER DATED 09/10/2013 IN WP(C).NO.7336/2013 (N)**
- P5 COPY OF THE COUNTER AFFIDAVIT DATED 27/08/2013 FILED BY THE 2ND RESPONDENT HEREIN WP(C).NO.7336/2013 (N)**
- P6 COPY OF THE JUDGMENT DATED 28/10/2013 IN WP(C).NO.7336/2013(N)**
- P7: 6(SIX) COPY OF THE ORIGINAL PHOTOGRAPHS OF THE SPOT**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 27368 of 2015

Dated this the 20th October, 2015

JUDGMENT

The petitioner has approached this Court seeking the following reliefs:

- "I. Issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents to strictly comply with Exhibits P1, P5 and particularly P6 judgment in letter and in spirit.*
- II. Issue a writ of mandamus or other appropriate writ, order or direction commanding the respondent to not do any activity in violation of Exhibits P1, P5 and P6.*
- III. Issue a writ of mandamus or other appropriate writ, order or direction commanding the respondents to not do any activity that would detrimentally affect the beauty of the location, convenience, privacy and other interests of the tourists and the general public coming to Lighthouse beach, Kovalam."*

2. In the statement filed on behalf of the second respondent it is stated in paragraphs 2 and 3 as follows:

"2. There is no violation of the undertaking made by this respondent in W.P(C).No.7336/2013. The construction activities are being done only up to

the beach boundary, i.e., only up to the existing steps. The steps are not destroyed or dismantled. No constructions activities are envisaged now in the step portion and beach area. The tree adjacent to the road might had cut to widen the terminal portion to take a return. Otherwise the vehicle reaching the portion cannot go back and it is difficult to go back reverse. It is extremely essential while considering the safety and security of the people coming to the area including foreign nationals.

3. No construction activities are done iin the beach when tourists are coming. The construction is indented only to facilitate the tourists coming to the beach and casing their hurdles to enter the beach and as well to return from the beach. It is primarily necessary to provide safe approach to the destination in case of calamity and other safety requirements including fire etc.”

Therefore, in the light of the above statement, this Court is of the view that the Writ Petition can be closed with liberty to the petitioner to approach the authorities concerned, in case any violation of the undertaking given as per the statement.

The Writ Petition is closed.

**A.MUHAMED MUSTAQUE
JUDGE**