

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 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 30688 of 2015 (S)

PETITIONER(S):

**AKATHETHARA-NADAKKAVU JANAKEEYA SAMTHI,
REPRESENTED BY ITS CONVENER SHRI VIPIN SEKKURI
HOUSE NO.4/260, AKATHETHARA, PALAKKAD.**

BY ADV. SRI.U.BALAGANGADHARAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVT. OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM-695001.**
- 3. THE CHIEF BRIDGE ENGINEER,
SOUTHERN RAILWAY, PARK TOWN, CHENNAI-600001.**
- 4. THE GENERAL MANAGER,
SOUTHERN RAILWAY, PARK TOWN, CHENNAI-600001.**
- 5. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, PALAKKAD-678001.**
- 6. THE DISTRICT COLLECTOR,
CIVIL STATION, PALAKKAD.**

**R1,2,6 BY SENIOR GOVERNMENT PLEADER SRI.JOE KALLIATH
R3,4,5 BY SRI.C.S.DIAS,SC,**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** THE COPY OF THE RELEVANT PAGES OF INDIAN RAILWAY PERMANENT WAY MANUAL.
- EXHIBIT-P2:** A TRUE COPY CIRCULAR NO.2007/CEI/LX/90 ISSUED BY THE RAILWAYS.
- EXHIBIT-P3:** TRUE COPY OF THE COMMUNICATION DATED 17.7.2015 RECEIVED UNDER RTI ACT FROM RAILWAYS.
- EXHIBIT-P4:** TRUE COPY OF COMMUNICATION DATED 11.8.2015 RECEIVED UNDER RTI ACT FROM RAILWAYS.
- EXHIBIT-P5:** TRUE COPY OF FLEX APPEARED IN THE VICINITY OF LEVEL CROSSING 160 SHOWING LOSS OF LIVES.
- EXHIBIT-P6:** TRUE COPY OF LETTER OF THIRD RESPONDENT DATED 12.3.2015 TO 2ND RESPONDENT WITH SCHEDULE.
- EXHIBIT-P7:** TRUE COPY OF COMMUNICATION FROM THE 2ND RESPONDENT OFFICE DATED 16.9.2015 UNDER RTI ACT.
- EXHIBIT-P8:** TRUE COPY OF REPRESENTATION DATED 1.9.2015 SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT AND OTHERS.
- EXHIBIT-P9:** TRUE COPY OF LETTER OF RAILWAYS DATED 23.9.2015 ISSUED UNDER RTI ACT.
- EXHIBIT-P10:** TRUE COPY OF RESOLUTION DATED 1.10.2015 OF THE PETITIONER ASSOCIATION.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

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

W.P.(C) No. 30688 OF 2015

Dated this the 19th day of November, 2015

JUDGMENT

Shaffique, J.

This writ petition has been filed seeking a direction to construct a Rail Over Bridge.

2. Learned Government Pleader on instructions would submit that though initially there was a proposal to construct an over bridge at the Level Cross No.160 by incurring the expenditure between the Railways as well as the State Government, the Railways have now withdrawn from the said offer. Under such circumstances, the Government had requested the Roads and Bridges Corporation to prepare a detailed project report as per letter dated 05.08.2015 and the said report is awaited.

Having regard to the fact that Government had already taken appropriate steps in the matter, we do not think that any direction is required to be passed in this case. We only observe that the authority concerned shall take up the matter as expeditiously as possible. Writ Petition is hence disposed of.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**