

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 35292 of 2014 (J)

PETITIONER(S):

1. V.MOHAMMEDALI, AGED 68 YEARS,
S/O.AHAMMEDKUTTY @ KUNHAN HAJI,
VALLANCHIRA HOUSE, MELAKKAM,
KARUVAMBRAM P.O., MANJERI,
MALAPPURAM DISTRICT, PIN - 676 123.
2. A.ABBAS, AGED 42 YEARS,
S/O.ABDURAHIMAN, AKKARA HOUSE,
KARUVAMBRAM P.O., MANJERI,
MALAPPURAM DISTRICT, PIN - 676 123.

BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.AJEESH K.SASI
SRI.UNNI SEBASTIAN KAPPEN

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, PIN - 676 505.
2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROADS SECTION),
MANJERI, MALAPPURAM DISTRICT, PIN - 676 121.
3. MANJERI MUNICIPALITY,
MALAPPURAM DISTRICT, PIN - 676 121,
REPRESENTED BY ITS SECRETARY.

R1 & R2 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R3 BY ADV. SRI.K.SHIBILI NAHA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPIES OF THE PHOTOGRAPHS EVIDENCING THE DAMAGE CAUSED TO THE 2ND PETITIONERS COMPOUND WALL.
- EXT.P-2: TRUE COPY OF THE PHOTOGRAPH EVIDENCING THE DAMAGE CAUSED TO THE WELLS IN THE LOCALITY.
- EXT.P-3: TRUE COPY OF THE PHOTOGRAPH EVIDENCING THE DEPLORABLE CONDITION OF THE ROAD AND THE WATER LOGGING CAUSED.
- EXT.P-4: TRUE COPY OF THE PETITION PREFERRED BEFORE THE 2ND RESPONDENT.
- EXT.P-4(A): TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 27.11.2014.
- EXT.P-5: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 27.11.2014 OF THE PETITION PREFERRED BEFORE THE 1ST RESPONDENT.
- EXT.P-6: TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DATED 27.11.2014 OF THE PETITION PREFERRED BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 35292 of 2014

Dated this the 25th day of May, 2015

J U D G M E N T

The petitioners, who are residing by the side of Melakkom Kozhikottukunnu - Cherani Mangalasserry PWD Road within the local limits of the 3rd respondent municipality, allege that the aforesaid road is in a deplorable condition and the petitioners and 25 residents are facing difficulties during rainy season as there is no drainage system. The petitioners point out that the water flows down to their houses during rainy season. The petitioners further allege that though they have preferred representations before respondents 1 to 3 indicating the aforesaid facts, it did not evoke any positive response.

2. In the counter affidavit filed by the respondent municipality, it is stated that the road is maintained by the PWD and the local authorities have no role in the matter.

3. In the counter affidavit filed by the State, they have admitted that there is a drain on the eastern side and

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the problem projected by the petitioners could be solved by providing proper drainage facility on the side of the road. It is also stated that the proposal for constructing drainage was prepared in 2013, but, due to shortage of funds, the work could not be taken up. It was also stated that decision has already been taken by the PWD to undertake the work on priority basis and the work would be executed without much delay.

4. When the matter was taken up, the learned Government Pleader, on instructions, submitted that at least three months' time be given for completion of the work, as stated in the counter affidavit.

Recording the said submission, this writ petition is disposed of directing the 2nd respondent to give priority to the construction of drainage in the aforesaid road. The same shall be completed within a period of three months from today.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-