IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 28TH DAY OF MAY 2020 / 7TH JYAISHTA, 1942

WP(C).No.7697 OF 2020(J)

PETITIONER :-

BASHEER K.P., AGED 40 YEARS
S/O. MAMMAD P., AMINA MANZIL, ILLAM MOOLA,
MATTANNOOR P.O., SIVAPURAM, KANNUR DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS :-

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM, PIN-695 001.

2 **KERALA STATE TRANSPORT PROJECT**
SREEBALA BUILDING, NANDANCODE, COWDIAR P.O.,
THIRUVANANTHAPURAM, PIN-695 003,
REPRESENTED BY ITS DIRECTOR.

3 **THE EXECUTIVE ENGINEER**
PUBLIC WORKS DEPARTMENT, KSTP DIVISION, KANNUR,
KANNUR DISTRICT, PIN-670 012.

BY SMT.VINITHA B, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 28th day of May 2020

This writ petition is filed seeking directions to the respondents to take steps to reinstall the cross bars put on the end of the tarred portion of the road leading to the petitioner's property. There is a further prayer to the 3rd respondent to consider and pass appropriate orders on Ext.P3 representation preferred by the petitioner.

2. The learned counsel for the petitioner submits that the petitioner has been issued with a licence for a crusher unit in his property taking note of the width of the approach road as 7.5 meters. It is stated that due to the lifting of the level of the State Highway and the re-tarring of the approach road at a reduced width, the width has now been reduced to 5.5 meters and the petitioner's licence is at jeopardy. The petitioner has submitted Ext.P3 representation before the 3rd respondent and submits that the widening of the road to its original width of 7.5 meters is liable to be considered and that the petitioner is even prepared to bear the reasonable expenses incurred for the purpose.

3. The learned Government Pleader submits that there is a level difference between the re-tarred portion of the road and that

the issue can be resolved if the petitioner is ready to meet the expenses.

Having considered the contentions advanced, I am of the opinion that Ext.P3 representation preferred by the petitioner is liable to be considered at the earliest by the 3rd respondent. The contention of the petitioner that he is prepared to meet the reasonable expenses for the retention of the width of the road can also be considered by the 3rd respondent. Appropriate orders shall be passed within a period of one month from the date of receipt of a copy of this judgment and corrective measures shall be taken without delay.

The writ petition is ordered accordingly.

Sd/-
ANU SIVARAMAN
JUDGE

Jvt/28.5.2020

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 **THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY VILAMANA VILLAGE OFFICE DATED 25.10.2019.**

EXHIBIT P2 **THE TRUE COPY OF THE PHOTOGRAPHS OF THE ROAD.**

EXHIBIT P3 **THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 1.2.2020.**

//TRUE COPY//

P.A. TO JUDGE