" ഭരണഭാഷ-മാതൃഭാഷ"

ചീഫ് എഞ്ചിനീയറുടെ കാര്യാലയം തസ്വഭവ - ലോക്കൽ ഇൻഫ്രാസ്ട്രക്ഷർ ഡവലപ്മെന്റ് ഉഎഞ്ചിനീയറിംഗ് വിംഗ് റവന്യൂ കോംപ്ലക്സ്, മൂന്നാംനില പബ്ലിക ആഫീസ് ബിൽഡിംഗ് തിരുവനന്തപുരം -33

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.നം. എ.ബി.1/ഡിബി.3/2182/20/സിഇ/എൽ.ഐ.ഡി&ഇ.ഡബ്ല്യു

തീയതി: 31/12/2021

സർക്കുലർ

- എൽ.ഐ.ഡി&ഇ.ഡബ്ല്യു വകുപ്പ് തദ്ദേശസ്വയംഭരണ വിഷയം:-സ്ഥാപനങ്ങളുടെ തദ്ദേശസ്വയംഭരണ

സംസ്ഥാനത്തെ ശോചനീയാവസ്ഥ റോഡുകളുടെ ഉൾപ്പെട്ട ആസ്തിയിൽ

പരിഹരിക്കുന്നത് - സംബന്ധിച്ച്

ബഹു. കേരള ഹൈക്കോടതി, ഡബ്ല്യ.പി (സി)32680/2008 – ന്റെ സൂചന:-

അടിസ്ഥാനത്തിൽ പുറപ്പെടുവിച്ച 17/12/2021 ലെ വിധിന്യായം

നിയന്ത്രണത്തിലുള്ള വിവിധ വകുപ്പുകളുടെ സംസ്ഥാനത്തെ നിരവധി ബന്ധപ്പെട്ട് ശോചനീയാവസ്ഥയുമായി റോഡുകളുടെ ഗതാഗതയോഗ്യമല്ലെന്നും, അടിസ്ഥാനത്തിൽ ലഭ്യമായതിന്റെ ഹർജികൾ റോഡുകളുടെ അരോപിച്ചിട്ടുള്ള ശോച്യാവസ്ഥയിലാണെന്നും ബഹു. ഹൈക്കോടതി, അമിക്കസ് ക്യൂറി മുഖേന പരിശോധിച്ച് ടി വിഷയം ഉറപ്പു വരുത്തിയിട്ടിയിട്ടുള്ളതാണ്. അപ്രകാരം ലഭ്യമായ പട്ടിക ടി ലിസ്റ്റ് പ്രകാരമുള്ള റോഡുകൾ അനുബന്ധമായി ഉളളടക്കം ചെയ്യുന്നു. അധീനതയിൽ സ്ഥാപനങ്ങളുടെ ഉള്ളതാണോ തദേശസ്വയംഭരണ പരിശോധിച്ച് ഉറപ്പു വരുത്തിയ ശേഷം, തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളുടെ റോഡുകളാണെങ്കിൽ, ടി അസ്ലിയിൽ ഉൾപ്പെടുന്ന റോഡുകളുടെ പുനരുദ്ധാരണത്തിന് നിലവിൽ പദ്ധതികൾ ഇല്ലെങ്കിൽ, തദേശസ്വയംഭരണ സ്ഥാപനത്തിന്റെ ഭരണസമിതിയുടെയും, സെക്രട്ടറിയുടെയും അടിയന്തര ശ്രദ്ധയിൽപ്പെടുത്തി, ബഹു.ഹൈക്കോടതിയുടെ സൂചന പ്രകാരമുള്ള സ്വീകരിക്കുവാൻ വിധിന്യായം നടപടികൾ നടപ്പിലാക്കുവാനുള്ള നിർദ്ദേശിക്കുന്നു.

ഉളളടക്കം:-1. സൂചനയുടെ പകർപ്പ് 2. റോഡുകളുടെ പട്ടിക

ചീഫ് എഞ്ചിനീയർ

എൻ.പി/-

OFFICE OF THE ADVOCATE GENERAL, KERALA

Ernakulam, Kochi -31 Phone(PABX) : 0484-2- 564 228, 0484-2-565050.

e-mail: advocategeneralkerala@gmai.com

Date: 18.12.2021

Dated: 18.12.2021

To

- 1. The Secretary to Government Public Works Department Secretariat, Thiruvananthapuram.
- 2. The Secretary to Government, Local Self Government Department, Government Secretariat, Thiruvananthapuram.
- 3. The Director, Directorate of Panchayats, Thiruvananthapuram.
- 4. The Director, Urban Directorate, Thiruvananthapuram
- 5. The Chief Engineer, Local Self Government Department, Thiruvananthapuram.

Copy to:

- 1. The Private Secretary to Hon'ble Minister for PWD
- 2. The Private Secretary to Hon'ble Minister for Local Self Government Department.

WP(C) No.32680/2008 & 34310/2019

The above writ petitions are relating to the maintenance of road all over Kerala under various departments and Local Self Government Institutions and specifically with regard to the maintenance of roads in Kochi. As far as the roads in Kochi are concerned, serious criticisms has been invited by the alleged inaction of the Engineers of the Cochin Corporation. The above case is being posted day to day bases before the Hon'ble High Court considering the issue involved in the case. The above case again came up for hearing on 17.12.2021 before the Hon'ble High Court. There were large scale complaints received to the Hon'ble High Court alleging that many of the roads in State are in pathetic conditions for the inaction of the Engineers. Many of the roads are

7:_--

in disrepair for which the Engineers are responsible, as per the judgment rendered in the above writ petition 32680/2008.

It is observed that road works are vitiated by large scale corruption in many stretches and without having the concurrence of the Engineers, corruption is impossible, as observed by the Hon'ble High Court. Therefore the Hon'ble High Court observed that as per the judgment in WP(C) No.32680/2008, the Engineers are to be proceeded against.

Based on the complaints received to the Hon'ble High Court the list of roads which are allegedly in disrepair and not traffic worthy has been prepared by the Amicus Curiae appointed by the Hon'ble High Court. The list of the above roads which are stated to be in bad state, is supplied to us.

The Hon'ble High Court posted the case to 14.01.2022 by which date, status report regarding the progress of the work on the above roads which are stated to be in bad state and disrepair, is to be submitted. The list of the roads involves roads under various Local Self Government Institutions, and Therefore separate reports are to be filed by the respective the PWD. departments before 14.01.2022 explaining the status of the roads and in case of disrepair, the steps taken to repair the road and make it traffic worthy is to be filed. The list of the roads prepared by the Amicus Curiae appointed by the Hon'ble High Court based on various complaints received from the public to the Hon'ble High Court is annexed to this. Therefore urgent steps may be taken to ascertain whether the roads mentioned in the list is of bad state, if so immediate steps may be taken to see that it is made traffic worthy and also the report regarding the steps taken by the Government in this matter may be made available to this office at least before 10.01.2022. So please do the needful.

> K.V.MANOJKUMAR SENIOR GOVERNMENT PLEADER (For ADVOCATE GENERAL)

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Profession of the protect of the pro		Problems Scad	Kozhencherry Pathanumihitta	Essential maintenance and consmiction	
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Parken P		N A Road	Kottayam Distnet	15 years old farming, Waterlogging	
Protected Read (Anter-Bailingsman Read (Anywartednic to Relgad)		arkulam to Civil Station Chulliyod Road (M.L.)	Kozhikode District	Potholes, waterlogging	
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Notice of the Control of the Contr		lukumkunam Kavanal Kadavu Road	Annikal Village, Pathanamthitta	Destructed road, unscientific construction	OMd.
Reviews Overbrodge Road		66 (Chavara to Thottapany)	Kollam District	Gutter	
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Notified District	10400	akkal - Mannayam - Vattakuzhikal Road	Kollem District (Dilapidated wholly	
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Fogest Stationpady - Anskuthy Appampady Road Idukki District		umala Thrikkannapuram Road	Thiruvananthpuram District	No progress in road construction	Date to Account the sand in case in a con-
Pothnikandam - Kuzhitholu Road		sst Stationpady - Anakuthy Appampady Road	Idukki District	Entirely disapidated	
Vilakkınkal-Uchippaara, Naduvathupura Road (Kailamikkal Side) Idukki District Indukti District Idukki District Adati gramiapanchayath, Purnattukara, Thrissur District Idukki Distri		unkandam - Kuzhitholu Road	Idukki District	Dilapidated condition, Waterlogging	
Thodupuzha-Aanakkayam Road (Kailamikkal Side) Idukki District Iduki District Id		kkınkai-Uchippaara, Naduvathupura Road	Adatt gramapanchayath, Puranattukara, I hrissur District	Lack proper water draining system teating to water migsing	
Idabarambi Junction Road Cheruthoni Gandhi Nagar Bus Stop to Puthissery (Kaniyanparambi Palam Road) Keerinoda – Anamik oppu Road Apparababanam Road Apparababanam Road Apparababanam Road Internativen Internativen Road Internativen Internativen Road Internativen Internativen Road Internativen Internative Internativen Internativen Internative Internativen Internative Internative Internative Internative Internative Internative I		dupuzha-Aanakkayam Road (Kailamikkal Side)	Idukki District	Potholes, waterlogging, no tarning.	
Gandhi Nagar Bus Stop to Pubussery (Kaniyanparambu Palam Road) Idukk District		aramhii Junction Road Cheruthoni	Idukki District	10 K	
Keernhodu - Aaramkoppu Road	1	Kanyanparambu Palam	Adatt gramapanchayatt, Pursnattukara, Thrissur District	Destructed road	
Appavukandam Road		nthodu - Aaramkoppu Road	Idukki District	Potholes, waterlogging, traver impossing	
1 Addatu-Muhnyara Road to Kiran Enclave Road 1 Purmantukara Ayaqa Kshetra Road to Scent Colony Road 2 Rollam District Nadakkal Varnasyam - Varakraty Road 2 Rollam District Nadayaweethi-Kumalinor Road 2 Anayad-Pazhakulam Road 3 Anayad-Pazhakulam Road 3 Anayad-Pazhakulam Road 3 Kartoomadam, Juthirappanthy Road 3 Kartoomadam, Juthirappanthy Road 4 Kartoomadam, Juthirappanthy Road 5 Kartiumpan to Maruthekara Road 6 Cehaai Vayal-Aalummuttiathara Road 6 Mylakkara Puzhanad Road(Manjaadi Moodu) 7 Kottiyam District 7 Kuttherow- Maveltkkan Road 8 Mylakkara Puzhanad Road(Manjaadi Moodu) 8 Kuttherow- Maveltkkan Road 8 Mylakara Puzhanad Road (Manjaadi Moodu) 8 Kuttherow- Maveltkkan Road 8 Mylakara Puzhanad Road (Manjaadi Moodu) 8 Kuttherow- Maveltkkan Road 8 Mylakara Road 9 Pazavoor Thaluk, Emakilam Road 9 Pazavoor Thaluk, Emakilam Road 9 Pazavoor Thaluk, Emakilam District 9 Pazavoor Thaluk, Emakilam Bostot 9 Pazavoor Thaluk, Emakilam Bostot 9 Pazavoor Thaluk, Emakilam District 9 Pazavoor Thaluk, Emakilam Bostot 9 Pazavoor Thaluk, Emakilam Bostot 9 Pazavoor Thaluk, Emakilam Bostot 9 Pazavoor Thaluk, Emakilam District 9 Pazavoor Thaluk		awukandam Road	Vandiperiyar, Idukki District	Transmission in the second in	
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IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT

17501

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Friday, the 17th day of December 2021 / 26th Agrahayana, 1943 WP(C) NO. 32680 OF 2008

PETITIONERS:

- C.P.AJITHKUMAR, PROPRIETOR, SUBURBAN TRAVELS, MAMANGALAM, COCHIN-24, (PRESIDENT, TRAVEL, OPERATORS ASSOCIATION OF KERALA).
- KERALA MERCHANTS UNION (FORMERLY ERNAKULAM MERCHANTS UNION), MERCHANTS UNION BUILDING, MERCHANTS UNION ROAD, COCHIN-11, REPRESENTED BY ITS GENERAL SECRETARY.

BY ADVOCATE SRI. TOM K.THOMAS

RESPONDENTS:

- STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, (ROADS), GOVT.SECRETARIAT, TRIVANDRUM.
- 2. THE SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM.
- 3. THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT (ROADS), TRIVANDRUM.
- 4. CORPORATION OF COCHIN, REPRESENTED BY ITS SECRETARY, BOAT JETTY,
- GREATER COCHIN DEVELOPMENT AUTHORITY, KADAVANTHARA, ERNAKULAM, COCHIN-20, REPRESENTED BY ITS SECRETARY.
 ADDITIONAL R6 AND R7 IMPLEADED
- 6. THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033.
- 7. THE REGIONAL OFFICER, NATIONAL HIGHWAY AUTHORITY OF INDIA, OFFICE OF THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033. (ADDL. R6 AND R7 ARE IMPLEADED AS PER ORDER DATED 28.11.2008 IN IA.15338/2008).

ADDITIONAL R8 AND R9 IMPLEADED

- 8. THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT, COCHIN, NATIONAL HIGHWAY AUTHORITY OF INDIA, MANGALYA VAIDHYA MADOM, VYTILA, ERNAKULAM.
- 9. THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT, PALAKKAD,
 NATIONAL HIGHWAY AUTHORITY OF INDIA, ARMUGHAM COLONY, CHANDRA NAGAR,
 PALAKKAD. (ADDL.R8 AND R9 ARE IMPLEADED AS PER ORDER DATED
 17.12.2008 IN .I.A.16206/2008 IN WP(C). 32680/2008.)
 ADDITIONA R10 IMPLEADED
- 10. UNION OF INDIA, REP. BY SECRETARY TO GOVERNMENT, MINISTRY OF SURFACE TRANSPORT, CENTRAL SECRETARIAT, NEW DELHI. (ADDL.R10 IS IMPLEADED AS PER ORDER 30.03.2009 IN I.A.4647/2009 IN WP(C) 32680/2008.) ADDITIONAL R11 IMPLEADED
- 11. CENTRE FOR CONSUMER EDUCATION, MARKET ROAD, PALAI, REPRESENTED BY ITS MANAGING TRUSTEE DEJO KAPPAN, AGED 54, S/O.LATE K.C.JOSEPH, RESIDING AT 17 A, PRESIDENCY HOMES, KALOOR, ERNAKULAM. (ADDL.R11 IS IMPLEADED AS PER ORDER DATED 12.10.2011 IN IA.15616/2011.)

ADDITIONAL R12 AND 13 IMPLEADED

- 12. KERALA GOVERNMENT CONTRACTORS ASSOCIATION, HEAD OFFICE SREEKUMAR BUILDING, IRON BRIDGES.P.O., ALAPPUZHA, REPRESENTED BY ITS PRESIDENT VARGHESE KANNAMPALLY-688001.
- 13. P.R.ASHOKUMAR, RAMAPRIYA, PARAYAKADU.P.O., CHERTHALA, ALAPPUZHA DISTRICT-688001. (ADDL.R12 AND R13 IMPLEADED AS PER ORDER DATED 18.10.2011 IN I.A.15475/2011.) ADDITIONAL R14 IMPLEADED
- 14. THE DISTRICT COLLECTOR, ERNAKULAM. (IS SUO MOTU IMPLEADED AS ADDL.R14 AS PER ORDER DATED 11.10.2019 IN WPC.) ADDITIONAL R15 IMPLEADED
- 15. THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF INDIA, ERNAKULAM

IS SUO MOTU IMPLEADED AS ADDL. R15 AS PER ORDER DATED 17.12.2021 IN WP(C) 32680/2008.

BY SENIOR GOVERNMENT PLEADER, SRI.K.V.MANOJ KUMAR FOR R1 TO R3 & ADDL.R14.

BY SRI. JANARDHANA SHENOY, STANDING COUNSEL FOR R4.

BY SRI. M.K.THANKAPPAN, ADVOCATE FOR R5.

BY SRI. SEBASTIAN THOMAS, ADVOCATE FOR R6 & R7.

BY SRI. THOMAS ANTONY, ADVOCATE FOR ADDL.R8 & ADDL.R9.

BY SRI.R.KRISHNAMOORTHY, CENTRAL GOVERNMENT COUNSEL FOR ADDL.R10.

BY SRI.JOHNSON MANAYANI, ADVOCATE FOR ADDL.R11.

BY SRI. JOMI GEORGE, ADVOCATE FOR ADDL.R12 & ADDL.R13.

BY SMT. M.U.VIJAYALAKSHMI, STANDING COUNSEL FOR CSML.

BY SRI.MATHEWS .K.PHILIP, STANDING COUNSEL FOR NHAI.

M/S. S.KRISHNA, P.DEEPAK & VINOD BHAT, AMICUS CURIAE.

This Writ Petition having come up for orders on 17.12.2021, and this Court's judgment dated 18.10.2019 and order dated 25.11.2021, the Court on the same day passed the following.

Devan Ramachandran, J.

W.P(C)No.32680 of 2008

Dated this the 17th day of December, 2021

ORDER

The learned Amici Curiae have compiled a list of all the roads, with respect to which complaints have been received from the general public.

- 2. Smt.S.Krishna, learned Amicus Curiae, pointed out that the roads listed are those owned by the Public Works Department (PWD), Panchayats, Municipalities and Corporations.
- 3. Sri.K.V.Manoj Kumar, learned Senior Government Pleader, submitted that the competent Authorities, including the Director of Panchayats, Director of Urban Affairs, Chief Engineer, Local Self Government Institutions and the Secretary to Government, PWD will look into the list of roads and necessary action will be taken to restore all of them without any avoidable delay. He then added that said Authorities will file necessary reports before this Court showing the progress of the

- 4. As regards the Kizhakkambalam Nellad PWD road is concerned, Sri.K.V.Manoj Kumar submitted that work has already been arranged and that it will be begun within a week. He added that, as per the work arranged, it will take a year's time to complete because what is being proposed is to redo the entire stretch; but that, in the meanwhile, without any avoidable delay, it will be rendered motorable, even while the main work is continued. He added that he will place a progress report on this also by the next posting date.
 - this time, pointed out that, the absence of lighting at the roundabout after the first Goshree Bridge is likely to cause grievous accidents in the future; and added that this may have to be done by the National Highway Authority of India. I, therefore, suo motu implead the Project Director, National Highway Authority of India, Ernakulam, as an additional respondent and the Registry will make

consequential incorporations.

- 6. The learned standing counsel for the NHAI, Sri.Mathews K.Philip, submitted that he will obtain instructions in this matter and report this Court.
- 7. Sri.Manoj Kumar also added that the work of relaying the Goshree Bridge has been taken over by the Government and it is overseen by the District Collector. He submitted that the work will be completed by 28th or 29th of this Month. This is recorded.

List on 14.01.2022.

Sd/-

DEVAN RAMACHANDRAN JUDGE

MC/stu