

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
Friday, the 14th day of October 2022 / 22nd Aswina, 1944
WP(C) NO. 14501 OF 2022

PETITIONER:

PURAVANKARA LIMITED FORMER KNOWN AS M/S. PURAVANKARA PROJECTS LIMITED, HAVING ITS REGISTERED OFFICE AT NO.130/1, ULSOOR ROAD, BANGALORE, PIN - 560 042 AND BRANCH OFFICE AND ADDRESS FOR COMMUNICATION AT M/S.PURAVANKARA LIMITED, FIRST FLOOR, AREKKAL MANSION, PANAMPALLY NAGAR, ERNAKULAM, PIN - 682 036 REPRESENTED BY ITS AUTHORIZED SIGNATORY, SREEJITH LENINDAS.

RESPONDENT:

1. STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY, REVENUE DEPARTMENT, TRIVANDRUM MAHATMA GANDHI ROAD, NEAR PALAYAM JUNCTION, THIRUVANANTHAPURAM, KERALA - 695 001.

AND 4 OTHERS

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay any proceedings / action by the Respondents to do any kind of constructions including but not limited to kiosks/ hawkers/bunker shops in the Queens Way - GIDA Road on its eastern and northern sides precisely on the pedestrian pathway and service road affecting the free and absolute usage of the pedestrian pathway and service road OR IN ALTERNATIVE direct the respondents to maintain the status quo in the Queens Way-GIDA Road on its eastern and northern sides precisely on the pedestrian pathway and service road so as to ensure its uninterrupted usage as on date.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 30-09-2022 and upon hearing the arguments of M/S.JOLLY JOHN, LIZA MEGHAN CYRIAC & IRENE BABU, Advocates for the petitioners, SRI. VARGHESE.K. PAUL, STANDING COUNSEL for respondent 3, K. JANARDHANA SHENOY, STANDING COUNSEL for respondent 4 and of Dr. K.P PRADEEP, AMICUS CURIAE, the court passed the following:-

P.T.O.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).NO.14501 OF 2022
.....

Dated this the 14th day of October, 2022

O R D E R

The counter affidavit filed on behalf of the 4th respondent indicates that from among the 74 vending zones in the vending plan approved by the Municipal Corporation, based on the letters of the Member of Parliament and the Secretary of GIDA, steps have already been initiated to remove zone numbers 28, 68, 69, 70 and 71 from the approved list of vending zones, and that the said removed zones pertain to the area from the beginning of Abraham Madamakkal Road up to Chathiath Church. Taking note of the said fact, I deem it appropriate to vacate the interim order passed on 23.09.2022 so as to permit the respondents to proceed with the constructions envisaged under the project being implemented by them, subject to the rider that for the time being there shall be no construction effected at those places abutting the property owned by the petitioner where, as per the approved plan for construction, there are entrances to the property earmarked at the instance of the petitioner.

Post on 21.10.2022 at 12.00 PM.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

mns