

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

**Thursday, the 15<sup>th</sup> day of January 2026 / 25th Pousha, 1947  
RP NO. 1394 OF 2025 in WP(C)22750/2018 (P)**

**REVIEW PETITIONER/3RD PARTY:**

**RAHUL K.T AGED 38 YEARS S/O. K. K. THANKAPPAN, KUDILINGAL HOUSE,  
THAIKKATTUKARA P.O, ALUVA, ERNAKULAM, PIN - 683106**

**RESPONDENT/PETITIONER & RESPONDENTS:**

1. ST. STEPHEN'S MALANKARA CATHOLIC CHURCH, KATTANAM VILLAGE, BHARANICKAVU, ALAPPUZHA, REPRESENTED BY ITS TRUSTEE SILVY GEORGE, AGED 48 YEARS, S/O GEORGE, MANKAVIL, KATTANAM VILLAGE, BHARANICKAVU, ALAPPUZH, PIN - 690503
2. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, STATE OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
4. DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, ALAPPUZHA, PIN - 688001
5. CHIEF ENGINEER (R AND B), PUBLIC WORKS DEPARTMENT, MUSEUM, THIRUVANANTHAPURAM, PIN - 695033
6. EXECUTIVE ENGINEER, ROADS PWD ROADS DIVISION, COLLECTORATE BUILDING, ALAPPUZHA, PIN - 688001
7. ASST. ENGINEER, PUBLIC WORKS DEPARTMENT, KATTANAM, ALAPPUZHA, PIN - 688001
8. BHARANICKAVU GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, BHARANICKAVU, ALAPPUZHA, PIN - 690520
9. SECRETARY, BHARANICKAVU GRAMA PANCHAYAT, BHARANICKAVU, ALAPPUZHA, PIN - 690520
10. SUB INSPECTOR, KURATHIKAD POLICE STATION, MAVELIKKARA, ALAPPUZHA, PIN - 690101
11. KERALA ADVERTISING INDUSTRIES ASSOCIATION, REGN NO.EKM/TC/536/2012, STATE OFFICE IVTH FLOOR, MATHEWSONS TRADE CENTRE (NEAR TVS), KALOOR, KOCHI, REPRESENTED BY ITS SECRETARY G.RAMESH BABU, S/O. P.D.KESAVA PILLAI, AGED 60., PIN - 682017
12. THE CORPORATION OF KOCHI, REPRESENTED BY THE SECRETARY, P.B.NO.1016, KOCHI, PIN - 682011
13. THE CORPORATION OF THIRUVANANTHAPURAM, REPRESENTED BY SECRETARY, VIKAS BHAVAN (P.O), THIRUVANANTHAPURAM, PIN - 695033
14. THE CORPORATION OF KOLLAM, REPRESENTED BY SECRETARY, KOLLAM, PIN - 691001
15. THE CORPORATION OF KANNUR, REPRESENTED BY SECRETARY, P.B.NO.39, KANNUR, PIN - 670001
16. THE CORPORATION OF THRISSUR, REPRESENTED BY SECRETARY, THRISSUR, PIN - 680011
17. THE CORPORATION OF KOZHIKODE, REPRESENTED BY SECRETARY, KOZHIKODE,

**PIN - 673001**

- 18. THE CHIEF SECRETARY OF THE GOVERNMENT OF KERALA, THIRUVANANTHAPURAM, PIN - 695001**
- 19. THE STATE POLICE CHIEF, STATE OF KERALA, PIN - 695010**
- 20. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY ITS SECRETARY, NIRAVACHAN SADAN, ASOKA ROAD, NEW DELHI , PIN - 110001**
- 21. THE KERALA STATE ELECTION COMMISSION, REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE COMPLEX, LMS JUNCTION, THIRUVANANTHAPURAM, PIN - 695033**
- 22. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, DABRI-GURGAON RD, SECTOR 10 DWARKA, DELHI, PIN - 110075**
- 23. STATE ROAD SAFETY AUTHORITY, REPRESENTED BY ITS CEO, TRANSPORTCOMMISSIONERATE, FOURTH FLOOR, TRANS BUILDING, VAZHUTHAKKAD, THIRUVANANTHAPURAM, PIN - 695014**
- 24. DIRECTOR OF PANCHAYATH, PANCHAYATH DIRECTORATE, SWARAJ BHAVAN, GRAND FLOOR, NANTHANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN - 695003**
- 25. DIRECTOR OF URBAN AFFAIRS, 1ST FLOOR, SWARAJ BHAVAN, NANTHANCODE P.O., THIRUVANANTHAPURAM, PIN - 695003**

Review Petition praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the State of Kerala to file an explanation for the noncompliance of the impugned judgment, in the interest of justice equity and good conscience.

This Review Petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's judgment dated 13.03.2025 and order dated 11.12.2025 and upon hearing the arguments of M/S AMRUTHA SURESH, Advocate for Review Petitioner/3rd Party, M/S. GEORGE VARGHESE (PERUMPALLIKUTTIYIL), A.R. DILEEP, P.J. JOE PAUL & MANU SEBASTIAN, Advocates for the R1 in RP/petitioner in WP(C), SRI.K.V.SOHAN, STATE ATTORNEY, SRI ASHOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL & T.S.SHYAMPRASANTH (GOVERNMENT PLEADER ) for R2 to R7 in RP/R1 to R6 in WP(C), SRI.VINCENT JOSEPH, Advocate for R9 in RP/R8 in WP(C), SRI.K.V.SOHAN (STATE ATTORNEY) & GOVERNMENT PLEADER for R10 & R18 in RP/R9 & R17 in WP(C), SRI.LAL K.JOSEPH, STANDING COUNSEL for R11 in RP/R10 in WP(C), M/S.BABU KARUKAPADATH & C.N PRABHAKARAN, STANDING COUNSEL for R12 in RP/Addl.R11 in WP(C), SRI.N.NANDAKUMARA MENON (SENIOR ADVOCATE) along with SRI.SUMAN CHAKRAVARTHY, STANDING COUNSEL for R13 in RP/Addl.R12 in WP(C), SRI.M.K.CHANDRA MOHAN DAS (STANDING COUNSEL) & SRI.S.SREEKUMAR (KOLLAM) for R14 in RP/ Addl.R13 in W.P.(C), SRI.K.K.CHANDRAN PILLAI (SENIOR ADVOCATE) along with M/S.S.AMBILY, NAMITHA NAMBIAR, SAJI THOMAS, VANIAH MARIA DOMINIC, M. MEENA JOHN & ISSAC M PERUMPILLIL, Advocates for R15 in RP/ADDL.R14 in W.P.(C), SRI.SANTHOSH P.PODUVAL, STANDING COUNSEL for R16 in RP/Addl.R15 in WP(C) , M/S.BINDUMOL JOSEPH, B.S.S, SRI.DEEPULAL MOHAN, STANDING COUNSEL for R21 in RP/ Addl.R20 in WP(C), and of SRI.HARISH VASUDEVAN, AMICUS CURIAE, & SRI.JACOB for assisting AMICUS CURIAE (By order), the court passed the following

DEVAN RAMACHANDRAN, J.

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**RP No.1394/2025 in WP (C) No.22750/2018**

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Dated this the 15<sup>th</sup> day of January, 2026

**ORDER**

The learned *Amicus Curiae* – Sri.Harish Vasudevan, and Sri.Jacob appointed to assist him, today submitted that the situation on the ground level, though having improved a little bit earlier, has now turned for the worse, slowly reverting to its earlier scenario.

2. Sri.Harish Vasudevan submitted that a report, dated 14.01.2026, has been filed by him, with respect to unauthorized boards specifically in Trivandrum; but that this is not an isolated violation and that such are available in various hues and nature all over the State.

3. Smt.Amrutha Suresh – learned counsel for the review petitioner, submitted that this is precisely why her client has approached this Court because, unless the Secretaries of the Local Self Government Institutions (LSGIs) are made accountable personally, no change can possibly come.

4. Sri.T.S.Shyam Prasanth – learned Senior Government Pleader, submitted that the Government had now issued an order

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dated 07.01.2026 imbibing the spirit of the orders of this Court and has asked for an urgent Action Taken Report from all Secretaries of the LSGIs. He added that, as evident from the said order, the State Police Chief has also been directed to ensure necessary police protection and assistance be provided to all Secretaries. He added that, on account of such directions, the Secretaries of the LSGIs need not have any apprehension of acting freely and fairly.

5. Sri.Harish Vasudevan, at this time, pointed out that there are two major issues confronting even his work because, the complaints of violations uploaded in the 'KSmart' portal are not being looked into, but have simply been closed. He impressed upon this Court that, therefore, a more efficacious and alternative method needs to be thought of; and suggested a model developed by the Department of LSGIs *qua* the scourge of dumping garbage on roadsides. He explained that the said system works on the 'WhatsApp' platform, with a dedicated number given; and when complaints are posted on it, citizens are even incentivised by a portion of the fine collected.

6. Sri.Deepu Lal Mohan – learned Standing Counsel for the State Election Commission, submitted that every care was taken

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during the last election process to ensure that unauthorized boards, flags and such other were not in public spaces; and that action against whatever was left had been completed. He added that, even other boards, which were placed in private spaces and such, have been removed.

7. Sri.Suman Chakravarthy – learned standing counsel for the Thiruvananthapuram Corporation, requested that his client be given some time to respond to the report dated 14.01.2026 filed by the learned Amicus Curiae *qua* his client.

8. *Prima facie*, the submission of Sri.Harish Vasudevan, which is more or less without contest, and the contents of his report, indicate the absolute requirement of empowering the Secretaries of LSGI and making them personally liable. In fact, this has been so stated in the judgment, but unless specific directions are issued, these may only remain on paper.

9. Of course, this Court will deal with this specifically when the review petition is heard on its merits.

10. Today, the issue regarding the working of the 'KSmart' is something that certainly engages my attention. The materials on record, particularly the reports of the learned Amicus Curiae, show how ineffective the 'KSmart' has been, particularly when he says that complaints have been disposed of merely as being

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closed without any action. An alternative certainly will have to be thought of; and the model adopted by the Department of LSGI would be the most apposite, at least in the present scenario. The Government will have to take steps to put this in place.

11. The judgment of this Court also requires the Joint Directors of Urban Affairs, LSGI Department, to maintain overall supervision and to file reports before this Court. However, the order of the Government of Kerala dated 07.01.2026, does not reflect this, though directing every Secretary to make available an Action Taken Report (ATR) directly to it.

12. The violations in individual places, including Thiruvananthapuram and such others, as now pointed out by the learned Amicus Curiae, stand testimony to the manner in which Authorities and systems implement what is legally imperative. Vested interests appear to be having the upper hand; but this cannot be allowed since, it would erode the integrity of the rule of law.

13. I, Therefore, direct the Government of Kerala to act as per its order dated 07.01.2026 and make sure that the Action Taken Reports are compiled and made available to this Court by

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the next posting date. In addition, the Joint Directors of Urban Affairs, LSGI, will also file their independent reports, which will also be filed by the learned Government Pleader by the next posting date.

14. The competent Authority of the Government is hereby directed to adopt the model of the LSGI Department with respect to the dumping of waste and place the same before this Court in compliance. The WhatsApp number that they propose; and the manner in which it will be operated will be specifically discernible in their pleadings to be filed.

15. This Court has earlier fixed timelines within which Secretaries are to act. Such has passed. Obviously, therefore, every board in the public in violation of the directions of this Court may be required to be answered by the Secretaries personally. The accountability on them is not lost, as at least some of them may think, but it is only the magnanimity of this Court that further action against them has not yet been initiated.

16. But, the patience of this Court cannot be tested in this manner; and I caution every Secretary that, in future, subject to the orders that are proposed in this RP, they would also be held responsible personally for loss to the exchequer for not taking

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action against these violations, since magnitude of the money involved - going by the number of boards that appear to have been placed unmindful of the detriment caused to the ecology, aesthetics and overall structure of our cities and public places – is stated to be large.

For further consideration, list on 05.02.2026

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**Sd/- DEVAN RAMACHANDRAN,  
JUDGE**

