

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON
Friday, the 17th day of October 2025 / 25th Aswina, 1947
WP(C) NO. 20253 OF 2021(S)

PETITIONER:

**SHAJI J.KODANKANDATH, AGED 51 YEARS, S/O.JOSE KODANKANDATH,
 SNEHA ROSE VILLA, KODANKANDATH HOUSE, CHEMBUKAVU P.O.,
 THRISSUR-20.**

RESPONDENTS:

1. THE UNION OF INDIA, THROUGH SECRETARY, DEPARTMENT OF ROAD TRANSPORT AND HIGHWAY, NEW DELHI-110 001.
2. THE CHAIRMAN, NATIONAL HIGHWAYS AUTHORITY OF INDIA, G-5 & 6, SECTION-10, DWARKA, NEW DELHI-110 075.
3. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.
4. GURUVAYOOR INFRASTRUCTURE PVT.LTD., PRESENTLY HAVING ITS REGISTERED OFFICE AT DOOR, NO.1-80/40/SP/58-65, SHILPA HOMES LAYOUT, GACHI BOWLI, HYDERABAD-500 032, REP. BY ITS AUTHORIZED SIGNATORY, SREEKUMAR M.V, S/O.LATE K.E.NAIR, AGED 65, R/O 178, GIRINAGAR, KADAVANTHARA, ERNAKULAM-682 020.

ADDITIONAL R5 IMPEADED

5. M/S. PST ENGINEERING CONSTRUCTION, 2/352, VAVIPALAYAM, KOLARAM (P.O.), PARAMATHY VELUR (TK), NAMAKKAL (DISTRICT), TAMIL NADU, PIN - 637 201.

**ADDL.R5 IS SUO MOTU IMPEADED AS PER ORDER DATED
 21/08/2025 IN WP(C) 20253/2021.**

P.T.O

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 the operation of Exhibit P6 notification, pending final disposal of the above writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 14/10/2025 and upon hearing the arguments of M/S. K.B.GANGESH, SMITHA CHATHANARAMBATH, AMAL S.KUMAR & ATHIRA A.MENON, Advocates for the petitioner, SMT. O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI. A.R.L SUNDARESAN, ADDITIONAL SOLICITOR GENERAL OF INDIA for R1, SRI.SANTHOSH MATHEW, SENIOR ADVOCATE a/w M/S. NANAVATHI MAULIK.G, ARUN THOMAS, JENNIS STEPHEN & ANIL SEBASTIAN PULICKAL, Advocates for R2, GOVERNMENT PLEADER for R3, SRI. S SREEKUMAR (SENIOR ADVOCATE) along with M/S. P MARTIN JOSE, P PRAJITH, THOMAS P KURUVILA, HARIKRISHNAN.S, AJAY BEN JOSE, MANJUNATH MENON, HANI P NAIR, GITHESH R, SACHIN JACOB AMBAT & ANNA LINDA V.J., Advocates for R4 and of M/S. A.V.INDIRA, SREEDEVI S. & ANANDHU SATHEESH, Advocates for R5, the court passed the following:

P.T.O.

A. MUHAMED MUSTAQUE & HARISANKAR V. MENON, JJ.

W.P.(C) Nos.20253 of 2021, 27586 of 2022, 28609 of 2023, 18735 of 2025 & W.P.(PIL) No.35 of 2025

Dated this the 17th day of October, 2025

ORDER

A. Muhamed Mustaque, J.

We had spent quite a number of days on this matter related to toll collection at Paliyekkara, in Trichur District, and we passed an order suspending the collection of toll at Paliyekkara. On one hand, we need to consider the grievances of the public; on the other, we have to take into account the developmental activities involving the widening of the road and the construction of underpasses. As we highlighted in our earlier order suspending the collection of toll, the issue is essentially managerial in nature and ought to have been addressed by the National Highways Authority of India (NHAI) at the appropriate time. Citizens have approached this Court contending that they have not been

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adequately provided the services for which they are paying toll. Their grievances cannot be overlooked. The suspension order passed by this Court was challenged before the Apex Court, and the Apex Court affirmed the same, observing that NHAI may approach this Court for revocation of the suspension as and when smooth traffic is restored. However, smooth traffic flow does not appear possible in the present circumstances, as several works are being carried out in this stretch—by different contractors—for road widening as well as for the construction of underpasses. As far as the concessionaire is concerned, they have undertaken maintenance of the service road, albeit pursuant to the intervention of this Court. We are conscious that this is not adequate and cannot be considered an alternative to smooth traffic on the National Highway; nevertheless, this aspect cannot be ignored.

2. The Interim Traffic Management Committee, constituted by this Court, has acted promptly on several occasions and

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submitted reports detailing the ground realities prevailing along this stretch. The District Collector, who serves as the Convener of the Committee, has done a commendable job in monitoring, supervising, and issuing timely directions to NHAI.

3. We are not closing this matter at this stage. It shall be taken up at the appropriate time for further directions. At the same time, we are concerned that the concessionaire is presently not permitted to collect toll, which could result in multiple litigations, including questions concerning liability for the loss that may arise. We are equally conscious that the public should not be made to suffer in this process.

4. Since certain substantial measures have been undertaken, though admittedly not adequate in all respects, we are of the view that the order suspending toll collection requires to be revoked, subject to such further directions and conditions as may be issued. We also take note that, out of the total stretch of 65 kilometres, only about 5 kilometres remain affected, while

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the concessionaire continues to be responsible for maintaining the entire stretch. It has further been brought to our notice that a revised toll rate has come into effect from 1st September, 2025. Undoubtedly, such a revised rate cannot be implemented in the prevailing circumstances in this stretch.

5. There are also serious safety concerns raised in the latest report submitted by the Interim Traffic Management Committee dated 16.10.2025. It is appropriate to refer to paragraph II of the said report, which reads as follows:

"II. Safety concerns

The Committee reiterates that it is the responsibility of both the competent authority and the concessionaire to ensure proper work zone safety management in the interest of commuters using the service roads. As noted in the RTO report, the applicable standards are prescribed in IRC SP:55-2014. Accordingly, the following findings are placed before the Hon'ble Court.

a) Inadequate Fall Protection

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At Amballur, Perambra, Muringoor, and Chirangara construction points, excavation sites are presently secured only through temporary arrangements comprising concrete barricades, water barricades, and plastic drums tied with warning tape. These measures offer only partial protection and do not meet required safety standards.

b) Absence of Permanent Safety Systems:

No permanent fall-protection systems are in place. There is an urgent need for sheet piles, retaining structures, concrete barricades, blinker lights, and advance warning boards indicating slippery or hazardous zones before each dangerous section. Plastic barrels currently used are unstable and prone to toppling.

c) Loose Materials on Carriageway:

Pebbles, gravels, and other loose materials are present at Amballur, Muringoor, Chirangara, and Perambra, increasing the risk of vehicle slippage. Several stretches, particularly at Amballur, have uneven surfaces requiring levelling and compaction.

d) Lack of Reflective Safety Measures:

Reflective tapers and visibility aids are absent at several barricaded and narrowed sections, creating night-time visibility hazards.

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e) Inadequate Signage:

Signage at critical points is non-uniform, poorly visible, and lacks standardisation. Coordination with the Police Department is required to ensure proper placement.

f) Poor Lighting:

Several stretches lack functional street lighting, heightening night-time safety risks.

g) Damaged Drainage Slabs:

Drainage slabs at multiple points have been damaged due to the movement of heavy vehicles. This poses a direct hazard to vehicle movement and requires immediate replacement.”

6. The learned Additional Solicitor General has assured that all the safety concerns will be immediately taken up and will be resolved without any delay. This undertaking is recorded.

7. We direct the Interim Traffic Management Committee to report whether safety concerns referred to in the report dated

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16.10.2025 have been addressed and remedied or not by the next posting date.

In such circumstances, we revoke the suspension on condition that the enhanced fee shall not be collected without further orders from this Court.

Post on 03.11.2025.

Handover



Sd/-

A. MUHAMED MUSTAQUE, JUDGE

Sd/-

HARISANKAR V. MENON, JUDGE

Skk