

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Thursday, the 17th day of July 2025 / 26th Ashadha, 1947

IA.NO.1/2025 IN WP(C) NO. 22750 OF 2018

APPLICANT/ AMICUR CURIAE:

HARISH VASUDEVAN, AGED 39 YEARS, S/O VASUDEVAN NAMBOOTHIRI, RESIDING AT APARTMENT NO. 8E, RDS NEDUNGADAN RESIDENCY, ST BENEDICT ROAD, NEAR NORTH RAILWAY STATION, KACHERIPADY, ERNAKULAM 682018.

RESPONDENTS/ PETITIONERS-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, ALAPPUZHA.**
- 2. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 3. PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, STATE OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 4. DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION, ALAPPUZHA-688 001.**
- 5. CHIEF ENGINEER (R AND B), PUBLIC WORKS DEPARTMENT, MUSEUM, THIRUVANANTHAPURAM-695 033.**
- 6. EXECUTIVE ENGINEER ROADS, PWD ROADS DIVISION, COLLECTORATE BUILDING, ALAPPUZHA-688 001.**
- 7. ASST. ENGINEER, PUBLIC WORKS DEPARTMENT, KATTANAM, ALAPPUZHA- 688 001.**
- 8. BHARANICKAVU GRAMA PANCHAYAT, REPRESENTED BY ITS SECRETARY, BHARANICKAVU, ALAPPUZHA - 690 520.**
- 9. SECRETARY, BHARANICKAVU GRAMA PANCHAYAT, BHARANICKAVU, ALAPPUZHA-690 520.**
- 10. SUB INSPECTOR, KURATHIKAD POLICE STATION, MAVELIKKARA, ALAPPUZHA-690 101.**
- 11. KERALA ADVERTISING INDUSTRIES ASSOCIATION, REGN NO.EKM/TC/536/2012, STATE OFFICE IVTH FLOOR, MATHEWSONS TRADE CENTRE (NEAR TVS), KALOOR, KOCHI- 682017, REPRESENTED BY ITS SECRETARY G.RAMESH BABU, S/O.P.D.KESAVA PILLAI, AGED 60.**
- 12. THE CORPORATION OF KOCHI, REPRESENTED BY THE SECRETARY, P.B.NO.1016, KOCHI- 682011.**
- 13. THE CORPORATION OF THIRUVANANTHAPURAM, REPRESENTED BY SECRETARY, VIKAS BHAVAN (P.O), THIRUVANANTHAPURAM- 695033.**
- 14. THE CORPORATION OF KOLLAM, REPRESENTED BY SECRETARY, KOLLAM- 691001.**
- 15. THE CORPORATION OF KANNUR, REPRESENTED BY SECRETARY, P.B.NO.39, KANNUR- 670001.**
- 16. THE CORPORATION OF THRISSUR, REPRESENTED BY SECRETARY, THRISSUR- 680011.**

17. THE CORPORATION OF KOZHIKODE, REPRESENTED BY SECRETARY, KOZHIKODE-673001.
18. THE CHIEF SECRETARY OF THE GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
19. THE STATE POLICE CHIEF, STATE OF KERALA.
20. THE ELECTION COMMISSION OF INDIA, REPRESENTED BY ITS SECRETARY, NIRAVACHAN SADAN, ASOKA ROAD, NEW DELHI - 110001
21. THE KERALA STATE ELECTION COMMISSION, REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE COMPLEX, LMS JUNCTION, THIRUVANANTHAPURAM-695033.
22. NATIONAL HIGHWAY AUTHORITY OF INDIA, G 5 & 6, DABRI-GURGAON RD, SECTOR 10 DWARKA, DELHI- 110075
23. STATE ROAD SAFETY AUTHORITY, REPRESENTED BY ITS CEO, TRANSPORT COMMISSIONERATE, FOURTH FLOOR, TRANS BUILDING, VAZHUTHAKKAD, THIRUVANANTHAPURAM.
24. DIRECTOR OF PANCHAYATH, PANCHAYATH DIRECTORATE, SWARAJ BHAVAN, GRAND FLOOR, NANTHANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM-695003.
25. DIRECTOR OF URBAN AFFAIRS, 1ST FLOOR, SWARAJ BHAVAN, NANTHANCODE P.O., THIRUVANANTHAPURAM-695003

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to issue a clarification to direction No.(b) in Paragraph No.34 of the judgment by stating that the District Collectors of each district, upon receiving a report from the Joint Director of LSGD from each district, will be directed to recover the amounts due from the erring Secretaries of the respective LSGDs, who fail to comply with the Government Circulars/orders of this Hon'ble Court, through Revenue Recovery proceedings OR any mechanism within the Government to recover such amounts from the erring Secretaries of the LSGDs, in the interests of justice, equity and good conscience.

This Application again coming on for orders upon perusing the application and the affidavit filed in support thereof, and this Court's order dated 03/07/2025 in I.A NO.1/2025 and upon hearing the arguments of SRI.HARISH VASUDEVAN & JACOB MATHEW (AMICUS CURIAE in I.A./WP(C), M/S GEORGE VARGHESE (PERUMPALLIKUTTIYIL), A.R.DILEEP, P.J.JOE PAUL, MANU SEBASTIAN, Advocates for the R1 in I.A./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 I.A./R1 to R6 in WP(C), SRI.VINCENT JOSEPH , Advocate for R9 in I.A./R8 in WP(C), SRI.K.V.SOHAN (STATE ATTORNEY) & GOVERNMENT PLEADER for R10 & R18 in I.A./R9 & R17 in WP(C), SRI.LAL K.JOSEPH, STANDING COUNSEL for R11 in I.A./R10 in WP(C), M/S.BABU KARUKAPADATH & C.N PRABHAKARAN, STANDING COUNSEL for R12 in I.A./Addl.R11 in WP(C), SRI.N.NANDAKUMARA MENON (SENIOR ADVOCATE) along with SRI.SUMAN CHAKRAVARTHY, STANDING COUNSEL for R13 in I.A./Addl.R12 in WP(C), SRI.M.K.CHANDRA MOHAN DAS (STANDING COUNSEL) & SHRI.S.SREEKUMAR (KOLLAM) for R14 in I.A./Addl.R13 in WP(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 I.A./Addl.R14 in WP(C), SRI.SANTHOSH

P.PODUVAL, STANDING COUNSEL for R16 in I.A./Addl.R15 in WP(C), M/s.BINDUMOL JOSEPH, B.S.SYAMANTHAK & ANJU ANILKUMAR, STANDING COUNSEL for R17 in I.A./Addl.R16 in WP(C), SRI.K.V.SOHAN, STATE ATTORNEY & SRI.PREM CHAND R.NAIR, Advocate for R19 in I.A./Addl.R18 in WP(C), SRI.DEEPU LAL MOHAN, STANDING COUNSEL for R20 in I.A/Addl.R19 in WP(C), M/S.KODOTH SREEDHARAN & DEEPU LAL MOHAN for R21 in I.A/Addl.R20 in WP(C), DEPUTY SOLICITOR GENERAL OF INDIA & BIDAN CHANDRAN, STANDING COUNSEL for R22 in I.A./Addl.R21 in WP(C), SRI.SYAM PRASANTH, GOVERNMENT PLEADER for R23 to R25 in I.A/R22 to R24 in WP(C)and of SRI.DEEPU THANKAN,Standing counsel for KSRTC, the court passed the following:



DEVAN RAMACHANDRAN, J.

IA No.1/2025 in W.P.(C) Nos.22750 of 2018

Dated this the 17th day of July, 2025

ORDER

Sri.Jacob Mathew, assisting the learned Amicus Curiae, today submitted that violations are still rampant in most places in Kerala, particularly in Thiruvananthapuram and pointed to the reports of the Amicus Curiae, to show such being done by all the political parties also, in addition to other entities. He then reiterated that the situation in some of the KSRTC bus stations and stops are, in fact, far worse.

2. Sri.Syam Prasanth – learned Senior Government Pleader, submitted that the Government is committed to ensure that unauthorised flags, boards, festoons etc. — put up by any one or entity — are not only removed, but also not allowed to come up; and further that it supports every action taken by the Secretaries of the Local Self Government Institutions in terms of the directions of this Court.

3. Coming to the KSRTC, Sri.Deepu Thankan — its learned standing counsel, conceded that the Transport Secretary of the Government has directed his client's Managing Director to take steps to remove all unauthorised boards, banners etc. from the KSRTC stations and shelters; but that it is difficult for him to do

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so on account of the resistance being made by the Trade Unions, who installed it. He, therefore, prayed that the Secretaries of the Local Self Government Institutions be empowered to remove such from the KSRTC locations also.

4. This Court cannot understand how anyone or any entity, especially political parties can choose to act in violation of the directions of this Court. How they get the strength and courage to do this is startling; but this could be only because they carry the impression that the systems in charge could not be able to cause them detriment.

5. In fact, Sri.Jacob Mathew points out that, even though there are hundreds of violations posted in the 'K -Smart' application, no action is taken and that the Authorities wait until the event is over, before even a step is taken to remove the offending articles.

6. This Court has little doubt that the situation has improved, but this is only on account of the constant monitoring. This cannot go on for long. Since the Government says that it is committed to comply with the directions of this Court and bring out a new culture in Kerala, this Court is of the firm view that they must consult all the political parties and

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initiate a new such culture, in conformity with the modern times. It is only if the political parties fall in line, will there be a change with respect to other persons and entities like film industry, religious institutions etc.

7. As far as the KSRTC is concerned, all its properties are owned by it. They themselves admit that the offending articles are placed by their own employees, or by Trade Unions or such employees. When the Government, through the Secretary of the Transport Department, has already addressed them to clean up their premises, to render it commensurate to the requirements of the general travelling public, one cannot see why they are refusing to act, or can feign inability to do so. This can only mean a lack of administrative capacity, which I am sure, the KSRTC will not admit.

8. A word at this time to the employees of the KSRTC. They must remember that their institution runs on the trust that ordinary people repose in it. All the infrastructure in the KSRTC is intended for the benefit and comfort of the citizens,, and it is only if this is ensured, will the patronage continue. Facilities and requirements of the citizens, as are absolutely essential, cannot be denied to them by the employees, usurping

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such facilities for their own purposes, or for that of their Unions. It is in their own interest that the employees must recognise and agree to keep the spaces clean, to attract more and more travellers into the fold of the KSRTC.

9. Finally, as regards the 'K-Smart', this Court had earlier called for an audit on the complaints posted in it. However, except a memo showing the number of complaints and some action taken, the essential details have not been made available, much less an audited report. This Court wants a proper audit report.

10. Therefore, before the next posting date, the Government and the KSRTC, will respond to the concerns mentioned in this order, through its competent Authorities.

11. With respect to the 'K-Smart' application, the competent Secretary - which this Court is told is the Secretary of LSGI - will file an audit report with specific reference to the action taken for each of the complaints. This shall be done without fail.

12. Even when this Court passes repeated orders, the travails and constraints of the Secretaries of the Local Self Government Institutions cannot be lost sight of. Most of them

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are doing a tolerably satisfactory job; but this is, as of now, only because of the watch that this Court, through the Amicus Curiae, is maintained.

13. As I have indicated above, what we require is a new culture, understanding that the generation of the present is never guided by flags and posters on the roads; but more by information they get in their devices, which are now so ubiquitous that nothing can replace it. This Court cannot understand why the powers - that - be do not recognise this. Perhaps, this can be because they are out of touch with the present times. The resolve of this Court is certainly to inculcate a new culture, which will foster not only aesthetics, but also a reduction in waste — which is paramount our public places reeling under its impact.

14. This Court closes this order with the hope that the Government will address the observations herein with the seriousness that is required.

List on 31.07.2025.

**Sd/- DEVAN RAMACHANDRAN,
JUDGE**

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