

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
Thursday, the 31st day of July 2025 / 9th Sravana, 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, NANTHANCOD, KOWDIAR P.O., THIRUVANANTHAPURAM-695003.
25. DIRECTOR OF URBAN AFFAIRS, 1ST FLOOR, SWARAJ BHAVAN, NANTHANCOD 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 17/07/2025 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:

(pto)



DEVAN RAMACHANDRAN, J.

I.A.No.1/2025 in W.P(C)No.22750 of 2018

Dated this the 31st day of July, 2025

O R D E R

In the Memo of the learned Government Pleader dated 31.07.2025, this Court had directed an audit of the action taken on the complaints in the "K-Smart" portal; however, what has been presented are only the number of complaints obtained and the numbers which are resolved.

2. Apart from this, this Court is not aware as to what is meant by saying "resolved", without the concomitant action, or the collection of the fine not being mentioned. Further, it is difficult to fathom why so many complaints remain unresolved.

3. In other words, what has been presented before this Court now is not an "Audit", but

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only a list, which I cannot accept. The Memo of the learned Senior Government Pleader, dated 31.07.2025 certainly, therefore, does not align with the requirements in the order of this Court.

4. Sri.T.S.Shyam Prasanth - learned Senior Government Pleader, sought one more opportunity to file a proper Audit report on "K-Smart".

5. This Court certainly accepts the afore request, but making it clear that when the audit report is produced before this Court, it shall clearly indicate the nature of the complaints received; the action taken on them, how many FIRs have been filed; how much fine has been collected; how much fine has been requisitioned and every other relevant information.

6. As far as the KSRTC is concerned, Sri.Deepu Thankan - learned Standing Counsel, submitted that the Corporation has complied with

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the orders of this Court in its letter and spirit; and is in the process of cleaning of all the bus stations and other facilities. He, showed me some photographs, which he was carrying in his notepad, to say that such action has been taken effectively in most of the places and is being completed.

This Court records the afore submissions with appreciation; but it is necessary that the KSRTC facilities are kept clean at all times and action initiated is completed without any further delay.

For further consideration, post on 14.08.2025.

Sd/-

DEVAN RAMACHANDRAN
JUDGE

SAS