

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

**Thursday, the 14<sup>th</sup> day of August 2025 / 23rd Sravana, 1947  
WP(C) NO. 32680 OF 2008**

**PETITIONERS:**

1. C.P.AJITHKUMAR AGED 41 YEARS PROPRIETOR, SUBURBAN TRAVELS, MAMANGALAM, COCHIN-24, (PRESIDENT, TRAVEL, OPERATORS ASSOCIATION OF KERALA).
2. KERALA MERCHANTS UNION (FORMERLY ERNAKULAM MERCHANTS UNION), MERCHANTS UNION BUILDING, MERCHANTS UNION ROAD, COCHIN-11, REPRESENTED BY ITS GENERAL SECRETARY.

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, (ROADS), GOVT.SECRETARIAT, TRIVANDRUM.
2. THE SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM.
3. THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT (ROADS), TRIVANDRUM.
4. CORPORATION OF COCHIN, REPRESENTED BY ITS SECRETARY, BOAT JETTY, ERNAKULAM.
5. GREATER COCHIN DEVELOPMENT AUTHORITY, KADAVANTHARA, ERNAKULAM, COCHIN-20, REPRESENTED BY ITS SECRETARY.
6. ADDL.R6.THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033.
7. ADDL.R7.THE REGIONAL OFFICER, NATIONAL HIGHWAY AUTHORITY OF INDIA, OFFICE OF THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033. (ADDL. R6 AND R7 ARE IMPEADED AS PER ORDER DATED 28.11.2008 INIA.15338/2008).
8. ADDL.R8.THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT COCHIN, NATIONAL HIGHWAY AUTHORITY OF INDIA, MANGALYA VAIDHYA MADOM, VYTILA, ERNAKULAM.
9. ADDL.R9.THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT PALAKKAD, NATIONAL HIGHWAY AUTHORITY OF INDIA, ARMUGHAM COLONY, CHANDRA NAGAR, PALAKKAD. (ADDL.R8 AND R9 ARE IMPEADED AS PER ORDER DATED 17.12.2008 IN .I.A.16206/2008.)
10. ADDL.R10.UNION OF INDIA, REP. BY SECRETARY TO GOVERNMENT, MINISTRY OF SURFACE TRANSPORT, CENTRAL SECRETARIAT, NEW DELHI. (ADDL.R10 IS IMPEADED AS PER ORDER 30.03.2009 DATED IN I.A.4647/2009.)
11. ADDL.R11.CENTRE FOR CONSUMER EDUCATION, MARKET ROAD, PALAI, REPRESENTED BY ITS MANAGING TRUSTEE DEJO KAPPAN, AGED 54, S/O.LATE K.C.JOSEPH, RESIDING AT 17 A, PRESIDENCY HOMES, KALOOR, ERNAKULAM.(ADDL.R11 IS IMPEADED AS PER ORDER 12.10.2011 DATED IN IA.15616/2011.)
12. ADDL.R12. KERALA GOVERNMENT CONTRACTORS ASSOCIATION, HEAD OFFICE SREEKUMAR BUILDING, IRON BRIDGES.P.O., ALAPPUZHA-688001, REPRESENTED BY ITS PRESIDENT VARGHESE KANNAMPALLYADDL.R
13. ADDL.R13.P.R.ASHOKUMAR, RAMAPRIYA, PARAYAKADU.P.O., CHERTHALA, ALAPPUZHA DISTRICT-688001. (ADDL.R12 AND R13 ARE IMPEADED AS PER

ORDER DATED 18.10.2011 IN I.A.15475/2011.)

14. ADDL.R14.THE DISTRICT COLLECTOR, ERNAKULAM. (ADDL.R14 IS SUO MOTU IMPEADED AS PER ORDER DATED 11.10.2019 IN WPC.)
15. ADDL R15. THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF INDIA, ERNAKULAM IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER DATED 17.12.2021 IN WP(C) 32680/2008.
16. ADDL.R16. THE COMMISSIONER OF POLICE, KOCHI.(IS SUO MOTU IMPEADED AS ADDL.R16 AS PER ORDER DATED 14-01-2022 IN WP(C) 32680/2008).
17. ADDL. R17.COCHIN SMART MISSION LIMITED, 4TH FLOOR, JLN STADIUM METRO STATION, KALOOR, KOCHI- 682017 (IS SUO MOTU IMPEADED AS ADDITIONAL R17 AS PER ORDER DATED 01.08.2022 IN WP(C) 32680/2008.)
18. ADDL. R18. REGIONAL OFFICER, NHAI, THIRUVANANTHAPURAM IS SUO MOTU IMPEADED AS ADDITIONAL R18 AS PER ORDER DATED 08/08/2022 IN WP(C) 32680/2008.
19. ADDL. R19. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE,2ND FLOOR, TRANS TOWER, C.V.RAMAN PILLAI ROAD, DPT, VAZHUTHACAUD,THIRUVANANTHAPURAM, KERALA- 695014 IS SUO MOTU IMPEADED AS ADDITIONAL R19 AS PER ORDER DATED 06.10.2022 IN WP(C) 32680/2008.
20. ADDL. R20. JAMSHEED HAFIZ, S/O. MOOSAKUTTY, AGED 39 YEARS, NEETHINILAYAM, TIRUR, MALAPPURAM DISTRICT, PIN- 676104, PRESENTLY RESIDING AT FLAT NO.B2, FIRST FLOOR, K.N.ARCACADE, PHASE -II, KELAMANGALATH CROSS ROAD, SRM ROAD, ERNAKULAM 18 IS IMPEADED AS ADDL. R20 AS PER ORDER DATED 28.10.2022 IN I.A.2/2022.
21. ADDL.R21. KERALA STATE ELECTRICITY BOARD, REPRESENTED BY THE SECRETARY, VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM 695004 IS SUO MOTU IMPEADED AS ADDL. R21 AS PER ORDER DATED 10.11.2022 IN WP(C) 32680/2008.
22. ADDL. R22. EDRAAC (ERNAKULAM DISTRICT RESIOENTS ASSOCIATION'S APEX COUNCIL), REG. NO.ER/735/03, CORPORATION SHOPPING COMPLEX, SUBHASH CHANDRA BOSE ROAD JUNCTION, PONNURUNNI, VYTTLA, COCHIN-19, PIN- 682019, ADDITIONAL R22 IMPEADED AS PER ORDER DATED 08.03.2023 IN I.A. 1/2023.

BY SRI K.V. MANOJ KUMAR, SENIOR GOVERNMENT PLEADER FOR R1 TO R3, R14 AND R16.

BY SRI. K. JANARDHANA SHENOY, STANDING COUNSEL FOR R4.

BY SRI M K THANKAPPAN ,ADVOCATE FOR R5

BY SRI. SEBASTIAN THOMAS, SR. K.V. KURIAKOSE AND SRI. LIJO JOSEPH GEORGE ADVOCATES FOR R6 AND R7.

BY SRI. THOMAS ANTONY, ADVOCATE FOR R8 AND R9.

BY SRI. S. KRISHNAMOORTHY, CENTRAL GOVERNMENT COUNSEL FOR R10.

BY SRI. JOHNSON MANAYANI, ADVOCATE FOR R11.

BY SRI. JOMY GEORGE, ADVOCATE FOR R12 AND R13.

BY SMT. M U VIJAYALAKSHMI ,STANDING COUNSEL FOR ADDITIONAL R18

BY SRI. LEJO GEORGE, STANDING COUNSEL FOR ADDL. R18.

BY SRI. RILGIN V GEORGE, ADVOCATE FOR ADDL. R20.

BY SRI. B. ARUNKUMAR, STANDING COUNSEL FOR ADDL. R21.

BY M/S ATUL SOHAN, R. REJI, SREEJA SOHAN.K, ADVOCATES FOR ADDL. R22.

BY SRI. SANTHOSH PODUVAL, STANDING COUNSEL, TRICHUR CORPORATION

BY SRI. S. KRISHNA, SRI. P. DEEPAK & SRI. VINOD BHAT, AMICI CURIAE.

This Writ Petition (Civil) having come up for orders on 14-08-2025, upon perusing this court's judgement dated 18-10-2019 and order dated 29-07-2025, the court on the same day passed the following:

(pto)



DEVAN RAMACHANDRAN, J.

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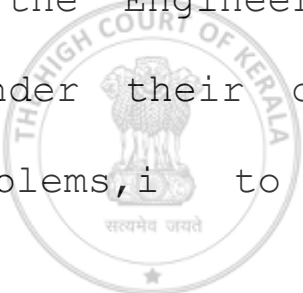
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Dated this the 14<sup>th</sup> day of August, 2025

ORDER

Sri.K.V.Manoj Kumar - learned Senior Government Pleader, sought a few more days' time to place on record the Safety and Quality Audit of the roads. He, however, affirms that the Engineers are visiting every road under their command and are noticing problems, *i* to rectify them immediately.



2. Sri.S.Vinod Bhatt - learned *Amicus Curiae*, started in a lighter way, saying that he saw work commencing in Kochi today, but doubted that this is because this matter is listed. He then added that, even though this Court had considered this matter a few days ago and had passed specific orders, apart from very peripheral

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work, nothing substantially appears to have been completed. He submitted that, therefore, there arises a suspicion whether the Engineers are really on the streets, or whether they are only saying it because this Court is seized of the matter.

3. The right to a motorable road - without any doubt - is now a constitutional right because the right to travel is within the compass of a fundamental one. A bad road is not merely a hindrance to travel, but can also be a killer, as we have seen in various instances in the past.

4. Every road has an Engineer, or a set of them, as is agreed to by the learned Standing Counsel for the Local Self Government Institution, as also Sri.K.V.Manoj Kumar - learned Senior Government Pleader appearing for the Public

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Works Department. *Prima facie*, it is their responsibility to survey and cause surveillance to ensure that no life is lost and no injury is caused on account of the potholes and other hazardous situations on the roads.

5. I choose to reserve further comment because Sri.K.V.Manoj Kumar affirms that the Safety and Quality Audit of roads is being done and that its report will be filed soon.

6. Digressing a little, Sri.K.V.Manoj Kumar informed this Court of the steps taken by the City Police, Kochi, to curb the menace of rash driving by heavy vehicles, and a report has been placed on record.

7. No doubt, various reasons are attributed to the deleterious tendencies on

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roads, but none of them would be of any avail if someone were to lose their life, as we have seen in the case of a young boy who was crushed under a bus near Town Hall, Kochi. This Court has been emphasizing several times that to lose a life on account of a bad road or reckless driving is a most unfortunate event that can happen, particularly to the family who would be pushed to unimaginable despair. Similar is the case of the accident that caused the death of a young man in Thrissur - which happened right in front of his mother's eyes - because he swerved to avoid a pothole and got crushed.

8. These are not mere accidents but ought to have been eye-openers, but this Court still does not see concrete action being done as correctly stated by

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Sri.S.Vinod Bhatt.

9. Be that as it may, the action of the Police to curb reckless driving, particularly in the scenario of bad roads on account of the monsoons, is appreciable; and this Court certainly wants them to do so on a consistent basis and not for a particular period of time, or duration.

10. Before I close, I must also record that there was fruitful discussion at the Bar regarding certain instances of very bad roads and inadequate planning, particularly in the city of Kochi, which gives rise to traffic snarls at various points.

11. High ranking officers of Police were present today, who gave vital information as to certain proposals they have, to avoid the serpentine queues and long traffic jams, modulating the traffic



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and modifying the road conditions. Specific reference was made to "Vytttila Junction", the "Chathiath Road/Goshree Bridge T-Junction", the "Edappally church area", as also the "Palarivattom junction", on the highway.

12. Sri.K.V.Manoj Kumar told me that he will take all inputs to the stakeholders and obtain their concurrence/approval as required so that necessary action can flow.

13. Suffice to say, some of the suggestions made at the Bar by the Officers are worth immediate attention, at least at first blush; and this Court is hopeful that the stakeholders, including at the highest level, will respond to it in a proactive manner, to find lasting and feasible solutions. Some amount of urgency would be apposite because the Onam season is

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approaching.

14. At this time, Sri.Santhosh Poduval - learned counsel appearing for the Thrissur Corporation, stood up to say that the officials are awaiting reports from the Government with respect to action that may be required against the Engineer responsible for the road in which the fatal accident occurred; but that requisite action has already been taken to repair all the potholes.

15. I have recorded the afore, so as to enable the stakeholders to understand what the citizens require - this Court being their voice.

16. The learned *Amici Curiae* will, of course, keep their ears and eyes open, as they have been doing for the last several years now; and would also be at liberty to

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inform this Court about the progress of all the inputs and actions.

17. This Court awaits the Audit report on Quality and Safety of roads, which Sri.K.V.Manoj Kumar says will be filed within a period of one month.

18. However, since there are other issues as recorded above, I deem it apposite that this matter be listed next week - which I propose to be 21.08.2025 - though the audit report can be filed within the aforementioned time thereafter.

List on 21.08.2025.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

H/o  
akv