



2025:KER:47375

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 1ST DAY OF JULY 2025 / 10TH ASHADHA, 1947

WA NO. 1462 OF 2025

ARISING OUT OF THE ORDER DATED 02.06.2025 IN WP(C)
NO.21311/2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4:

- 1 KOCHI MUNICIPAL CORPORATION,
ERNAKULAM DISTRICT,
KOCHI REPRESENTED BY ITS SECRETARY, PIN - 682011
- 2 THE SECRETARY,
KOCHI MUNICIPAL CORPORATION, ERNAKULAM DISTRICT,
KOCHI, PIN - 682011
- 3 THE MAYOR,
THE KOCHI MUNICIPAL CORPORATION
ERNAKULAM DISTRICT, KOCHI, PIN - 682011

BY ADV SRI.D.G.VIPIN

RESPONDENTS: PETITIONER/RESPONDENTS 1 & 5

- 1 NANCY XAVIER,
AGED 35 YEARS
W/O. LATE ANEESH MATHEW, KAKKIRIYIL HOUSE,
9/180, FORTKOCHI, VELI ERNAKULAM, PIN - 682001
- 2 KERALA SHIPPING AND INLAND NAVIGATION
CORPORATION (KSINC),
38/924-A, GANDHINAGAR, ERNAKULAM DISTRICT
REPRESENTED BY ITS CHAIRMAN, PIN - 682020



2025:KER:47375

3 KOCHI WATER METRO LIMITED,
4TH FLOOR, JLN METRO STATION, KALOOR, ERNAKULAM
REPRESENTED BY ITS CHAIRMAN, PIN - 682017

BY ADVS.
SRI.LEO LUKOSE, R1
SRI.VIPIN P.VARGHESE, R2

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
01.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 1st day of July, 2025

Syam Kumar V.M., J.

This appeal is filed by the Municipal Corporation of Kochi challenging the interim order dated 02.06.2025 rendered by the learned Single Judge in W.P.(C) No.21311 of 2024. Appellants are respondents 2 to 4 respectively in the W.P.(C).

2. The Writ Petition was filed seeking the following reliefs:

- i. “Issue a writ of mandamus or other appropriate writ order or direction directing respondents 1 to 4 to construct a roof structure and a shelter room/waiting room at the Fort Kochi Ro-Ro jetty.
- ii. Issue a writ of mandamus or other appropriate writ order or direction directing respondents 1 to 4 to restart the operation of the passenger boat service from Fort Kochi Ro-Ro Jetty in Fort Kochi - Vypeen route.
- iii. Issue a writ of mandamus or other appropriate writ order or direction directing the 5th respondent to commence the operation of the Fort Kochi Water Metro Service in Fort Kochi - Vypin route.
- iv. Issue such other appropriate writ order or direction that may be deemed to be just and equitable in the facts and circumstances of the case.
- v. Issue such other appropriate order or direction dispensing with the filing of English translation of the vernacular documents produced along with the writ petition.”

3. The learned Single Judge, after admitting the Writ Petition



2025:KER:47375

into file, issued an interim order on 02.06.2025, operative portion whereof reads as follows :

“Accordingly, I pass the following interim direction:-

(i) The 3rd respondent is directed to file a statement, furnishing the details of the statutory licenses that has been issued to them to operate the RoRo service. He shall also state the number of passengers and vehicles who have used the Ro-Ro services between the Fort Kochi and Vypin and vice-versa during the last one year.

(ii) The 1st respondent shall file a statement regarding the statutory licenses that are required for the purpose of operating the Ro-Ro service.

(iii) The petitioner to implead the Coastal Regulation Zone authority as an additional respondent, and may file reply affidavit, if any, before the next posting date.

(iv) The 3rd respondent is directed to erect a temporary waiting shed at the Fort Kochi Ro-Ro Jetty, to accommodate at least 50 commuters at a given time, at their expenses, within one week from today.

(v) The 5th respondent shall explore the possibility of providing a temporary waiting shed at Fort Kochi and Vypin/Water Metro Jetties, to enable the general public to have a shelter atleast during the monsoon season.”

4. Appellants/respondents 2 to 4 have challenged the above interim order *inter alia*, contending that to the extent it directs the 2nd appellant to erect a temporary waiting shed at Fort Kochi Ro-Ro Jetty to accommodate at least 50 commuters within a specified period, is illegal and unsustainable.



2025:KER:47375

5. Heard Sri.D.G.Vipin Devaswomparambil Gopinathan, Advocate for the appellants, Sri.Leo Lukose, Advocate, for the 1st respondent and Sri.Vipin P.Varghese, Advocate for the 2nd respondent.

6. Learned counsel for the appellants contended that the interim direction issued by the learned Single Judge to construct a temporary waiting shed at the Ro-Ro jetty at Fort Kochi is unsustainable in law and fit to be set aside for the reason that construction of a temporary waiting shed is a matter which imposes a monetary burden on the Municipal Corporation, and such construction cannot be carried out without getting approval from various statutory authorities. It is further contended that the place where the temporary waiting shed has been directed to be constructed is covered by the Art and Heritage Regulations and CRZ notifications. The learned Single Judge ought not to have issued directions to the 2nd appellant to erect such a temporary waiting shed before ascertaining the norms to be followed by the Municipal Corporation in the said respect. The number of passengers using the Ro-Ro ferry service is very limited in number



2025:KER:47375

and there exists a passenger boat service nearby, to cater to the needs of the daily commuters from Fort Kochi to Ernakulam. In addition to the passenger boat service, a water metro service is functional, and a terminal for the same has also been erected. It is hence contended that the prayer in the W.P.(C) for providing a waiting shed is unnecessary, devoid of merit and liable to be rejected. It is further contended by the learned counsel that the place where the temporary construction is now directed to be carried out occupies a unique character and beauty, and hence, the construction directed would detrimentally affect the aesthetic appearance of the Ro-Ro boat jetty. The practical difficulty in construction due to the slanting mode of the Ro-Ro jetty as it stands now has also been pointed out. It is further contended that providing amenities and infrastructure to the people is a policy decision of the Corporation Council, and any decision which involves a monetary burden to provide amenities to the general public needs approval of the Corporation Council and the Finance Standing Committee. The 1st respondent had failed to put forth any reliable evidence to substantiate the purported inconvenience



2025:KER:47375

caused to her and other passengers due to the lack of a waiting shed in the Ro-Ro jetty is also raised. The filing of the Writ Petition is termed as an abuse of process of law and rendering of the interim order by the learned Single Judge is termed an error which needs to be rectified in this appeal.

7. Per contra, the learned counsel appearing for the 1st respondent contended that the Writ Appeal is not maintainable insofar as the same is filed against the interim order and that the Writ Petition is presently pending consideration before the learned Single Judge. All that has been directed by the learned Single Judge in the interim order is to put up a temporary waiting shed, to meet the compelling circumstances that have arisen due to the heavy monsoon down pours and taking note of the fact that a large number of daily commuters use the Ro - Ro ferry for their to and fro commutation between Ernakulam and Fort Kochi. The learned Single Judge has only directed the putting up of a temporary shelter for the passengers and has not directed any permanent construction in the premises of the jetty. It was meant to provide temporary relief to the 1st respondent and scores of other



2025:KER:47375

commuters using the Ro- Ro jetty during the present monsoon season until a final decision is reached on the Writ Petition.

8. We have heard both sides in detail. It is noted that the learned Single Judge had noted that hundreds of citizens use the service daily from the Ro-Ro Jetty at Fort Kochi. In boat jetties operated by statutory authorities, the general public is usually provided the basic amenities, infrastructure, including waiting sheds/roads. It is the duty of the Municipal Corporation, which runs the Ro-Ro jetty, to provide the very elementary requirements to the commuters who pay for the services, to wait for the ferry service in reasonable comfort and without being exposed to the harsh weather and vagaries of nature. The learned Judge had rendered the interim relief, taking note of the suffering faced by the commuters, and the legal obligation of the Municipal Corporation. The commuters who pay for the services are entitled to commensurate facilities. Here the 1st respondent, who had availed of the services after payment, cannot be denied the basic facilities associated with the establishment. The learned Judge has correctly concluded that the appellant Municipal Corporation cannot shirk away its statutory



2025:KER:47375

responsibility by not constructing a temporary waiting shed at Fort Kochi Ro - Ro jetty to accommodate at least 50 commuters. No legally sustainable contention has been put forth to challenge the same.

9. Having heard both sides in detail, we find that there is no reason to interfere with the interim order rendered by the learned Single Judge. It shall be open to the appellants to raise all the contentions now put forth in this appeal before the learned Single Judge at the time of consideration of the W.P.(C). All questions are left open.

The Writ Appeal is dismissed.

Sd/-
SUSHRUT ARVIND DHARMADHIKARI
JUDGE

Sd/-
SYAM KUMAR V.M.
JUDGE

csl