

(2012) 11 KL CK 0009

In the High Court Of Kerala

Case No : Writ Petition (C) No. 25866 of 2012 (G)

AJI C.K.

APPELLANT

Vs

The Executive Engineer Public Works Department (Roads Division) Ernakulam-682031, The Assistant Executive Engineer Public Works Department (Roads Sub Division), Aluva Ernakulam District-683101 and The Assistant Engineer Public Works Department (Roads Section), Angamaly Ernakulam District-683572

RESPONDENT

Date of Decision : 02-11-2012

Acts Referred:

Citation : (2012) 11 KL CK 0009

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : A. Ranjith Narayanan, Sri. S.K. Saju, Smt. A. Simi and Smt. Vidya V. Devan, for the Appellant; K.P. Vincent, G.P., for the Respondent

Final Decision : Dismissed

Judgement

T.R. Ramachandran Nair, J.—This Writ Petition is filed by the petitioner aggrieved by Exhibit P2 order passed by the Executive Engineer. The petitioner claims to be a resident of Malayattoor, near Kalady. The petitioner claims that the petitioner, along with other residents, are using the bund road of the Edamalaray Irrigation Project, which is lying as a link road to the Malayattoor-Kalady Public Road. It is pointed out that by Exhibit P1 order traffic was banned in the bund road. Thereafter the PWD has taken over the road for diverting traffic through the bund road and proceedings have been issued as per Exhibit P2. It is submitted that by allowing the traffic of heavy vehicles through the bund road, the road will be completely destroyed. The petitioner seeks for a direction to the 1st respondent to implement Exhibit P1 order banning the traffic through the bund road till the said road is certified to be fit for vehicular traffic by the 1st respondent. A reading of Exhibit P1 order will show that the traffic was banned in view of the transportation of materials by the heavy vehicles. A reading of Exhibit

P2 order will show that the Assistant Executive Engineer, PWD Roads Sub Division, Aluva and Assistant Engineer, PWD Roads Section, Angamaly requested for diversion of traffic to IIP bund road for strengthening the Kalady-Malayattoor PWD road. Accordingly, NOC has been granted to strengthen and use the IIP bund road for diversion of traffic till the completion of the repair work of PWD with their own expenses, subject to certain conditions.

Even though the learned counsel for the petitioner submitted that there is no justification for passing Exhibit P2 order, I cannot agree. All these are matters within the realm of the official respondents to provide easy traffic of the vehicles and it cannot be a matter for this Court to monitor and this is not a case where the petitioner is personally affected by Exhibit P2 order to any extent also. It is entirely at the discretion of the officials concerned. The Writ Petition is hence dismissed.