

(2021) 01 KL CK 0519
In the High Court Of Kerala
Case No : Writ Petition (C) No. 39736 Of 2017

C.R. Sivakumar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 22-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0519

Hon'ble Judges : S. Manikumar, CJ;Shaji P. Chaly, J

Bench : Division Bench

Advocate : P.K. Vijayamohanan, P. Vijayakumar, Bidan Chandran, K.V. Sohan

Final Decision : Dismissed

Judgement

S. Manikumar, CJ

1. Petitioner, Mr. C. R. Sivakumar, a practicing Advocate, has sought for a direction to the respondents to report before this Court, the time required

for completion of Kollam and Alappuzha bypasses, which according to him, commenced in 1972 and 1969, respectively.

2. That apart, petitioner has sought for a mandamus, directing the Chief Secretary, Government of Kerala, Government Secretariat,

Thiruvananthapuram, 3rd respondent, to expedite the acquisition of land, for widening of the National Highway 66, from Kottappuram to Edappally, on

a war footing.

3. Petitioner has also sought for a direction to the Chief Secretary, Government of Kerala, Government Secretariat, Thiruvananthapuram, 3rd

respondent and the Chief Engineer, P. W. D. Roads & Bridges, Public Office Building, Thiruvananthapuram, respondent No. 4, to look into the issues

raised in paragraphs 10 and 11 of the statement of facts and grounds D, H and I

of the grounds of the writ petition.

4. Petitioner has further sought for a mandamus, to provide for a system to monitor the progress of the work connected with the construction of

Kollam and Alappuzha bypasses and widening of the National Highway 66, from Kottappuram to Edappally.

5. Short facts leading to the filing of writ petition are as hereunder:-

According to the petitioner, instant writ petition has been filed in the interest of the general public using the National Highway 66, to redress the

grievance faced by the poor and marginalized public, unable to approach this Court, on account of the delay in completing the construction and

commissioning of Kollam and Alappuzha bypasses and the reach of National Highway 66 from Kottappuram to Edappally. Petitioner has submitted

that, even after more than four decades, ever since the commencement of the construction of the bypasses at Kollam and Alappuzha, according to the

State Minister for P.W.D. in the review meeting held on 01.09.2015, that the construction of 69% of Kollam bypass and 70% of Alappuzha bypass

were over and it is expected to be commissioned by May, 2018, however, in reality, the construction work is in stagnation, on account of unavailability

of gravel and M Sand. Petitioner has further submitted that, unless and until there is an external agency like this Court to monitor the construction of

the bypasses and the above reach of the National Highway, the present generation may not be in a position to use the above. Therefore, praying for a

direction commanding the concerned respondent authorities to speed up the construction of the bypasses and widening of the narrow stretch of the

National Highway between Kottappuram and Edappally, instant Public Interest Litigation is filed.

6. National Highways Authority of India, 2nd respondent, has filed a counter affidavit, contending inter alia, the steps taken under the National

Highways Act, 1956, impediment in acquisition of the land by the Government, consequently the delay, alignment proposed and restructuring, and

submitted that an IAS officer has been specifically appointed, for monitoring the implementation of National Highway projects in Kerala. National

highway Authority of India has further submitted that, due to the delay in acquisition of land by the State Government, project conceived, i.e. National

Highway No. 66 between Kollam and Alappuzha, could not be completed within

time. That apart, widening of National Highways No. 66 between Kottappuram and Edappally, has also taken up.

7. On this day, when the matter came up for further hearing, Mr. K. V. Sohan, learned State Attorney, submitted that though the Government of Kerala have agreed to provide land for completion of Kollam and Alappuzha bypasses construction, as well as for widening of National Highway from Kottappuram to Edappally, writ petitions have been filed against the acquisition proceedings and thus, there was delay.

8. Mr. Bidan Chandran, learned counsel for the National Highways Authority of India, submitted that insofar as the constructions relating to Kollam and Alappuzha bypasses are concerned, they are completed, former had already been opened and Alappuzha bypass is being inaugurated on 28.01.2021. Insofar as acquisition of land for widening of National Highway 66 from Kottappuram to Edappally is concerned, acquisition proceedings are under progress, and except in few stretches, there is no difficulty. Learned counsel for the National Highways Authority of India further submitted that though both NHAI, as well as Government, took efforts to clear the said objections, in respect of construction of the abovesaid National Highway 66 from Kottappuram to Edappally, some writ petitions are still pending. NHAI, as well as Government, are taking adequate steps to clear the said objections, both locally and legally.

Insofar as prayer No. 3 is concerned, no directions can be issued to the Government, as it is only a pleading in the writ petition.

In the light of the above, writ petition is dismissed.