
(2014) 04 KL CK 0030
In the High Court Of Kerala
Case No : WP(C). No. 17344 of 2013 (S)

D.S. Prasanthkumar

APPELLANT

Vs

Standing Empowered Committee

RESPONDENT

Date of Decision : 01-04-2014

Acts Referred:

Citation : (2014) 04 KL CK 0030

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : R. Anilkumar, Advocate for the Appellant; P. Vijayaraghavan, State Attorney, V.G. Arun and T.R. Harikumar, Advocate for the Respondent

Judgement

Thottathil B. Radhakrishnan, J.—The petitioner in this purported Public Interest Litigation is the Ward Member of Aryanad Grama Panchayat . The petitioner says that he is a social worker and Executive Committee Member of an Arts and Sports Club. His complaint is that a particular public road which has been covered by the Prime Minister's Gramin Sadak Yojana is not being appropriately constructed or renovated in terms of the contract given to the 5th respondent.

2. The official respondents have filed a counter affidavit. That shows that the Disputes Resolution Committee has come to the conclusion that the work is not feasible because of shortage of land going by the width of the road as proposed. The contract was terminated and the 5th respondent was ordered to return the advance amounts given. He has filed a writ petition before this Court and has obtained an order of stay against the revenue recovery proceedings and that writ petition was pending.

3. The counter affidavit further proceeds to say that the requirement of the road is a necessity and that expeditious steps would be taken to rearrange and complete the work. To our query, the learned State Attorney states that there is a proposal to reduce the width of the road and it has been decided to fix it at 6 metres. Paragraph 9 of the counter affidavit of the official respondents also

shows that the Aryanad Grama Panchayat has been requested to take up the immediate maintenance work. The road is basically a Panchayat road. Therefore, the Grama Panchayat is well advised to take up the maintenance work. However, the authorities under the Prime Minister's Gramin Sadak Yojana would do the needful to further proceed with the work as stated in the counter affidavit rather than further face this Public Interest Litigation.

4. It would only be worthwhile for the petitioner who is a Member of the Grama Panchayat to take up the matter with the Grama Panchayat itself, so that the maintenance works could be expedited by the petitioner who is an elected representative at the grass root level, rather than prosecuting a litigation before this Court. We say this because, Public Interest Litigations are primarily intended to take up the needs of that sector, which can be treated as voiceless, in view of socio-economic challenges. But here, it is clear that the petitioner himself is an elected member of the local people. Being a Grama Panchayat Member, he will be the best spokes person for the local people in the Grama Panchayat itself.

For the aforesaid reasons, we close this writ petition without prejudice to the petitioner taking up the matter with the Grama Panchayat and it is also hereby ordered that the Standing Empowered Committee for the Prime Minister's Gramin Sadak Yojana will do the needful as offered in the counter affidavit placed on record on behalf of the said committee and the other respondents who are officials under the State of Kerala.