

(2010) 06 KL CK 0020

In the High Court Of Kerala

Case No : Writ Petition (C) No. 19253 of 2010

Khalid Mundappilly

APPELLANT

Vs

Executive Engineer, PWD and Others

RESPONDENT

Date of Decision : 23-06-2010

Acts Referred:

Citation : (2010) 2 KLJ 622

Hon'ble Judges : P.S. Gopinathan, J;C.N. Ramachandran Nair, J

Bench : Division Bench

Advocate : T.R. Rajan, for the Appellant; Benny Gervacis, Government Pleader, for the Respondent

Judgement

C.N. Ramachandran Nair, J.—This is a public interest litigation filed by a resident of Aluva challenging the permission granted by the Respondents to hold public meeting on the PWD road in front of Aluva Railway Station. Petitioner has produced several photographs one of which shows the stage constructed on the side of road partly occupying the tarred portion of the road. Another photo shows large number of people seen assembled in the road blocking traffic on the road. Yet Anr. photograph produced shows that people are sitting in large numbers in chairs arranged on the tarred portion of the public road. Counsel submitted that since several meetings were held in the road blocking traffic and causing inconvenience to the public, at least in future the Respondents should be prohibited from permitting meetings on public road in front of Aluva Railway Station. Petitioner has stated that the road in front of Aluva Railway Station is probably the busiest road in the Aluva Town where the Bus Stand and Railway Station are located on either side of the road and both sides of the road are fully occupied by shops. The photographs produced show that large number of vehicles are stranded on account of people occupying the road to attend the meeting. Further, the stage set on the roadside clearly establishes that space for the audience is only the road. We are absolutely convinced that if the prayer of the Petitioner is not allowed, and if Respondents are not prohibited from granting

permission to hold meetings on the road and road margin, obstruction of the busiest public road in Aluva will be a regular feature and the consequence will be sufferings for the travelling public. Even though Government Pleader submitted that he has to take instructions in the matter, which in the normal course we would have granted, we do not think there can be any objection for the Respondents against the prayer of the Petitioner, which is an order of prohibition against Respondents from granting permission to hold meetings on public road and road margins causing complete or substantial obstruction on the traffic on road used by passing vehicles including ambulances transporting patients and victims of road accidents to hospitals. Therefore we feel any delay on the part of this Court in issuing prohibitory orders will be delay in rendering justice to the people. We do not visualise any objection from any corner, particularly from Government agencies and it's officers against issuing prohibitory orders against Respondents from granting any permission to hold meetings on public road and road margins because the act sought to be prevented is illegal.

2. Even though Petitioner has brought to our notice the specific instance of public meeting permitted on public road in front of the Railway Station in Aluva, we feel being a public interest litigation, we should extend the benefit not only to the users of Aluva road, but to the people of the State as a whole because it is a notoriously known fact that roads in Kerala, including State Highways and National Highways are single lane roads hardly providing sufficient space for two way traffic leaving no space for meetings on road and road margins. In fact, the density of traffic in the State and the instances of traffic block on account of meetings on roadside and occasionally vehicles ploughing into processions leading to death of several innocent people are facts known to everybody. Therefore we feel prohibitory orders against holding meetings on public roads and road margins have to be issued not only to ensure free flow of vehicles on roads, but to prevent loss of lives and injury to people, in the event of rash vehicles running into people assembled in meetings on roadside. In our view, the interest of public will be protected only if prohibitory orders are issued against all Government agencies and it's authorities against granting permission to hold meetings on public roads and road margins. In order to effectively implement this order, we make the Chief Secretary to Government, Secretariat, Thiruvananthapuram, as additional Respondent. We do not think there is any need to hear the additional Respondent on the view of the Government because in our view Government cannot have any objection against this Court protecting public interest and lives of people by issuing prohibitory orders from permitting meetings on public roads and road margins which itself is illegal. In our view, all meetings should be permitted only in Stadiums, public grounds outside road margins and grounds of educational institutions on holidays. We therefore allow the WPC by prohibiting the Respondents and other Government agencies including PWD, Police, Revenue and Local Authorities from granting any permission to hold meetings on public roads and road margins. Contrary to this prohibitory order, if any meeting is held with or without permission, there will be

direction to the police to remove stages and all installations, articles and people and prevent the meeting being held on public road and road margins. The Chief Secretary to Government will, along with a copy of this judgment, issue instructions to the Director General of Police, Departments of PWD, Revenue and Local Administration, to implement this judgment. The Chief Secretary will file a compliance report in this Court within two weeks from the date of receipt of a copy of this judgment.