
(2017) 06 KL CK 0056
In the High Court Of Kerala
Case No : 16485 of 2017 (I)

ROSY VARGHESE, W/O.VARGHESE

APPELLANT

Vs

KARUKUTTY GRAMA PANCHAYAT

RESPONDENT

Date of Decision : 09-06-2017

Acts Referred:

Citation : (2017) 06 KL CK 0056

Hon'ble Judges : K.Vinod Chandran

Bench : SINGLE BENCH

Advocate : G.SANTHOSH KUMAR, O.D.SIVADAS, V.M.KRISHNAKUMAR, BOBY THOMAS

Final Decision : Dismissed

Judgement

1. The petitioner is aggrieved with the construction of a "bus waiting shed" said to be carried on in front of the property of the petitioner's daughter and husband, who are residing abroad.
2. The petitioner's contentions against the bus shelter are many fold. The petitioner alleges that it causes obstruction to the ingress and egress; to the property of the petitioner's daughter. It is also argued that the construction is unnecessary and it is a wasteful expenditure of public money. There is also a contention that for widening the road an extent of the property of the petitioner's daughter was acquired and the Panchayat could very well construct the waiting shed in that property. Yet another contention raised was that there was no No Objection Certificate [for brevity "NOC"] obtained from the

National Highway Authority of India [for brevity "NHAI"].

3. The President of the Residents' Association in the area in question has got himself impleaded as additional respondent No.3.

4. The respondent-Panchayat has filed a counter affidavit, in which Exhibit R1(a) NOC of the NHAI is produced. The Panchayat has also produced Exhibit R1(b), minutes of the Panchayat Committee, which indicates that the bus shelter was constructed at the aegis of the Panchayat; but, however, the expenditure borne by the Residents' Association. Both the said allegations of the petitioner falls to the ground.

5. The President of the Residents' Association affirms the contention of the Panchayat and submits that a bus shelter is very necessary in the locality. A photograph of the petitioner's daughter's property and the bus shelter is produced along with the affidavit filed in support of the application for impleading of the Residents' Association. It is seen that a structure has already come up and it does not in any manner interfere with the ingress and egress into the property; in front of which the bus shelter is situated. The objections raised by the petitioner, hence, cannot be sustained. The contention that the bus shelter should be constructed in the property acquired from the petitioner's daughter and husband, also is unsustainable. The land having been acquired by the NHAI, it is for the NHAI to decide as to how the land is to be utilised. This Court does not find any reason to interfere with the action of the Panchayat.

The writ petition would stand dismissed. No costs.