

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Thursday, the 22nd day of September 2022 / 31st Bhadra, 1944
WP(C) NO. 22750 OF 2018(P)

PETITIONER:

ST. STEPHEN'S MALANKARA CATHOLIC CHURCH, KATTANAM VILLAGE,
BHARANICKAVU, ALAPPUZHA, REPRESENTED BY ITS TRUSTEE SILVY GEORGE,
AGED 48 YEARS, S/O GEORGE, MANKAVIL, KATTANAM VILLAGE, BHARANICKAVU,
ALAPPUZHA.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 AND 19 OTHERS

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th and 6th respondents to forthwith consider and pass orders on Exhibits P6 and P3 representations, pending the final disposal of this writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 22.03.2022 and upon hearing the arguments of M/S GEORGE VARGHESE (PERUMPALLIKUTTIYIL), A.R.DILEEP, P.J.JOE PAUL, MANU SEBASTIAN and RAJAN G. GEORGE, Advocates for the petitioner, SRI.K.V.SOHAN, STATE ATTORNEY for R1 to R6, R9, Addl. R17 and Addl. R18, SRI ASHOK M CHERIAN & SHYAMPRASANTH for R1 to R6, GOVERNMENT PLEADER for R9 & R17, SRI.VINCENT JOSEPH, Advocate for R8, M/s. LAL K. JOSEPH, STANDING COUNSEL for R10, SRI. BABU KARUKAPADATH, STANDING COUNSEL & C.N PRABHAKARAN for R11, SRI.N.NANDAKUMARA MENON, Senior Advocate along with SRI.P.K.MANOJKUMAR, STANDING COUNSEL for Addl. R12, SRI.M.K.CHANDRA MOHAN DAS, STANDING COUNSEL for Addl. R13, SRI.K.K.CHANDRAN PILLAI, Senior Advocate along with M/s. S.AMBILY, SMT.NAMITHA NAMBIAR, SAJI THOMAS, VANIAH MARIA DOMINIC, M. MEENA JOHN and ISSAC M PERUMPILLIL Advocates for Addl. R14, SRI. SANTHOSH P.PODUVAL, STANDING COUNSEL for Addl. R15, M/s. BINDUMOL JOSEPH, B.S.SYAMANTHAK and ANJU ANILKUMAR, STANDING COUNSEL for Addl. R16, PREM CHAND R NAIR FOR Addl. R18, DEEPU LAL MOHAN, STANDING COUNSEL for Addl. R19, KODOTH SREEDHARAN, DEEPU LAL MOHAN for Addl. R20, SRI. HARISH VASUDEVAN, AMICUS CURIAE, the court passed the following:

DEVAN RAMACHANDRAN, J.

WP(C)No.22750 of 2018

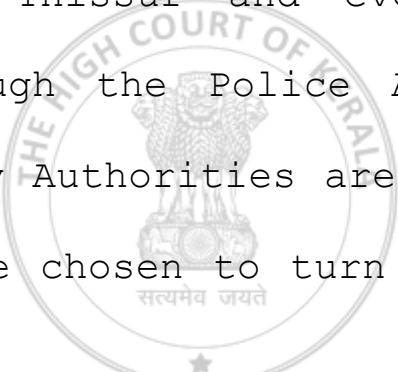
Dated this the 22nd day of September, 2022

O R D E R

Sri.Harish Vasudevan - learned Amicus Curiae, made a request for an urgent hearing of this case today, saying that he has filed a report, along with photographs, to show that a particular political party, while conducting procession across Kerala, has erected large numbers of Boards, Banners, Flags and such other illegally. He added that one of the major political parties in India has also put up certain boards in connection with the visit of a dignitary several weeks ago, which are also illegal and many of them having not been removed yet.

2. It is a great tragedy that orders of this Court and that issued by the competent Authorities subsequent to it, are given

absolutely no respect or worth by persons and entities who are in charge of the future of this nation. Going by the version given by Sri.Harish Vasudevan - which this Court finds no reason to doubt - illegal installations have been made by a particular political party on every side of National Highway from Trivandrum to Thissur and even beyond; and that even though the Police Authorities and other Statutory Authorities are fully aware of this, they have chosen to turn a blind eye to it.

The seal of The High Court of Kerala is visible in the background of the text. It is a circular emblem with the text 'THE HIGH COURT OF KERALA' around the top and 'सत्यमेव जयते' (Satyameva Jayate) at the bottom. In the center is a lion standing on a pedestal, with a star below it.

3. I do not know why it is necessary for this Court to keep on reminding the officers that apart from the specific orders of this Court, the Government have issued circulars, as also the Road Safety Authority having issued specific notifications prohibiting such actions. These illegal installations cause

great danger to motorists since their attention would be distracted, while moving through the Highway; and there is also the real danger of some of these installations coming loose and creating havoc, particularly with respect to two wheelers, as we have seen in other parts of the country earlier and which unfortunately we have had to witness in the case of a hapless lady and her daughter literally being crushed under an allegedly illegal arch erected across the road.

4. There is also the problem of such installations being disposed of and the waste generated by it becoming incapable of being handled by the Local Self Government Institutions or by any other competent Authority.

5. This Court, certainly, wonders why the official Authorities are not aware of such

issues, particularly when our State can no longer take the climate or weather for granted. In fact, Sri.Harish Vasudevan has also adds that, in many places where such illegal installations have been put up with impunity, there are heavy rains and the danger of this contributing to violent accidents can certainly be not kept aside.

6. The angst of this Court is exacerbated because mainline political parties appeared to be engaging in such illegal actions. These are the entities to which the citizens of this Court look up for direction, particularly in our quest for creating a better and a new Kerala. Large sums have been expended for the purpose of creating modern environment, good roads, pedestrian spaces, recreational spaces etc., but such areas are now being taken up by such illegal installations, by persons who

believe that they can act with impunity.

7. The thoughtless actions of a few and the indifference shown to it by the official Authorities cannot, however, deter this Court from its resolve of making Kerala a safer place.

I, therefore, adjourn this matter to be called at 1.45 p.m. tomorrow (23/09/2022), and I request the Additional Advocate General - Sri.Ashok Cherian, instructed by Sri.Syamprasanth - learned Government Pleader to obtain specific instructions from 2nd respondent - Principal Secretary, Local Self Government Department; the 17th respondent - Chief Secretary to the Government of Kerala and the 18th respondent - State Police Chief in this regard, particularly as to how there illegal installations have been put up and why they have not been removed.

When the above official respondents respond, they shall also advert specifically to the earlier directions of this Court, that every Board which has been put up by an Advertising Agency/Printer without its name or address embedded on it is illegal and that necessary action against them should also be taken.



Sd/-

DEVAN RAMACHANDRAN

JUDGE

SAS