

**Devan Ramachandran, J.**

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W.P(C)No.32680 of 2008  
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**Dated this the 25<sup>th</sup> day of November, 2021**

**ORDER**

As usual, after the monsoons, complaints of bad roads have again started arriving at this Court.

2. This is a real tragedy because, in the judgment dated 18/10/2019, this Court has issued certain specific directions and it now appears that all of them have been forgotten.

3. However, this Court cannot allow the administrators and stakeholders to be so forgetful and if they are so, then steps and measures will have to be taken to make them alive to their statutory and constitution duties.

4. In the judgment of this Court, I had fixed the primary responsibility, to ensure that the repair work is done properly and future repairs are noticed and done without delay, the concerned Engineers/Staff of the respective departments/Local Self Government Institutions. In spite of

this, if the roads have gone into a state of disrepair, then it is now time for this Court to fix personal responsibility.

5. The learned Amicus curiae - Smt. S.Krishna and Sri.Tom.K.Thomas - learned counsel appearing for the petitioner, pointed out that the exasperating situation is that the very same roads, which were repaired by the Corporation and other Authorities last year, have fallen again to disrepair within a few months thereafter.

6. This issue certainly has to be taken with the seriousness that it deserves, because this state cannot afford to conduct repairs on the roads every year or every six months, which appears to be norm, in spite of the various directions of this Court.

7. I, therefore, direct the Public Works Department (PWD); the Corporation of Kochi; The Cochin Smart Mission Limited (CSML); GCDA; as also the Director of Urban Affairs and the Director of Panchayats to immediately take stock of the various roads in the State and adopt measures to ensure that they are brought back in shape, ensuring that

responsibility is fixed on the concerned officials with respect to those which have fallen into disrepair after maintenance or reconstruction.

8. I thus deem it appropriate to adjourn this matter to be called on 14<sup>th</sup> December 2021; within which time, the learned counsel for the petitioner and Amici curiae or any other person, who is interested, may provide inputs to this Court with respect to the various roads which are in disrepair, not merely within the Corporation of Kochi, but also in other parts of the State.

9. I reiterate that from now on Personal responsibility will be certainly adjudged and fixed by this Court, if so necessary, particularly in the case of those Officers and Authorities who are responsible for the roads, since as I have already said above, this Court has fixed primary responsibility on them to avert potholes in the roads and not merely to repair them.

### **Cable Pollution**

Shri.Janardhana Shenoy, learned Standing Counsel for the Corporation, submitted that notices have been issued to all service providers to remove the unwanted cables within a period of one month and that if action is still not taken, it will be removed by the Corporation and the expenses charged on to such persons/entities.

### **Street Lighting**

Regarding the miserable state of the street lighting in the city of Kochi, the learned Standing Counsel submitted that necessary measures and steps have already been taken and that he will be able to inform this Court about the progress by the next posting date.

### **Unauthorized parking on footpaths especially at Shipyard**

The learned Amicus Curiae submits that, in spite of the orders of this Court, effective steps have not been taken by the stakeholders, including the Police in this regard.

The learned Government Pleader and the learned Standing Counsel for the Corporation submitted that they will look into this issue and report to this Court; and that in the meanwhile, necessary steps will be taken for such purpose.

**Sd/-**

**DEVAN RAMACHANDRAN**

**JUDGE**

ANB/MC