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Sunikumar T.B. vs State of Kerala

Sunikumar T.B. vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1377097

Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/21161/2020

Appellant : Sunikumar T.B.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 2005 OF 2020 PETITIONER: K.G.POULOSE @ PAUL, AGED 49 YEARS S/O. GEORGE, RESIDING AT KARERAKKATTIL HOUSE, PUTHUR VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT 680 014. BY ADV P.R.SHAJI RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY THE SECRETARY TO PWD DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2 DISTRICT COLLECTOR, THRISSUR, AYYANTHOLE, 680 003. 3 THE EXECUTIVE ENGINEER, ROADS DIVISION, THRISSUR,

THIRUVAMBADY ROAD, KERALA 680 022. 4 THE ASSISTANT ENGINEER, ROADS SECTION, THRISSUR, THIRUVAMBADY ROAD, KERALA, 680 022. 5 TALUK SURVEYOR, THRISSUR TALUK, COLLECORATE, AYYANTHOLE THRISSUR 680 003. 6 TAHSILDAR, THRISSUR TALUK, CHEMBUKKAVU, THRISSUR, KERALA 680 020. SMT. PREETHA K.K. (SR.G.P.) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

30.06.2023, ALONG WITH WP(C).4990/2023, 16661/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2005/2020 & conn.cases 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 4990 OF 2023 PETITIONERS: 1 SUNIKUMAR T.B AGED 53 YEARS S/O BHASKARAN, THEKKETHARA HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR., PIN - 680014 2 AJITH C.V AGED 54 YEARS S/O VELAYDHAN, CHOROOTTIL HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR., PIN - 680014 3 SAIRAM AGED 58 YEARS S/O MANI, CHULLIPARAMBIL HOUSE, ELAMTHURUTHY P.O, THRISSUR., PIN - 680014 4 BABY AGED 52 YEARS S/O JOHNY, KOROKKARAN HOUSE, ELAMTHURUTHY P.O, THRISSUR, PIN - 680014 5 HARIHARAN, AGED 45 YEARS S/O AYYAPPAN, MENAKKATH HOUSE, KUTTANELLOOR P.O., THRISSUR., PIN - 680014 6 SURESH C.M AGED 55 YEARS S/O MADHAVAN C.K, CHOROOTTIL HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR., PIN - 680014 7 NARAYANAN AGED 69 YEARS S/O KITTUNNI, THEKKETHARA HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR., PIN - 680014 8 RAMAKRISHNAN AGED 68 YEARS S/O RAMANKUTTY, ERINJERI HOUSE, PUTHUR, KUTTANELLOOR P.O., THRISSUR., PIN - 680014 9 OMANA,AGED 67 YEARS W.P.(C)No.2005/2020 & conn.cases 3 W/O BHASKARAN,

MUNDANAT HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR., PIN - 680014 10 NITHYA M.B.,AGED 42 YEARS D/O M.M.BALAKRISHNANA, VALIYAPARAMBIL HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR., PIN - 680014 11 GIGESH M.G.,AGED 44 YEARS S/O THANKAPPAN, MENAKKATH HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR,, PIN - 680014 BY ADVS. SABU GEORGE P.B.KRISHNAN P.B.SUBRAMANYAN MANU VYASAN PETER ABRAHAM BABU KALLIVAYALIL RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 682031

2 THE DISTRICT COLLECTOR, THRISSUR CIVIL STATION, AYYANTHOLE, THRISSUR, PIN - 680003 3 SPECIAL TAHASILDAR (LA), THRISSUR TALUK, TALUK OFFICE, THRISSUR., PIN - 680020 4 PUTHUR GRAMA PANCHAYAT PUTHUR P.O. THRISSUR REPRESENTED BY ITS SECRETARY, PIN - BY ADVS.PREETHA K.K. (SR.G.P.) SANTHOSH P.PODUVAL THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2023, ALONG WITH WP(C).2005/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2005/2020 & conn.cases 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 16661 OF 2020 PETITIONER/S: 1 SUNNY T.I. AGED 88 YEARS PROPRIETOR, AISWARYA JEWELLERY, THEKKUMPURAM HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 2 BAIJU T.T. THRIKKUR HOUSE, P.O.PUTHUR, THRISSUR -680014. 3 VASU P.K. PANIKKASSERY HOUSE, P.O.PUTHUR, THRISSUR - 680014, CHERIPURATHU, P.O.PENNUKARA, THRISSUR.

4 MANY N.U. (SOUBHAGIAVATHY) W/O.LATE VASU V.K., VADAKKOOT HOUSE, P.O.PUTHUR, THRISSUR -680 014. 5 THOMAS K.A. KOTTALLUKARAN HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 6 JOHNSON K.A. KOTTALLUKARAN HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 7 SHIJI M.G. S/O.GEORGE, MALIYEKKAL HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 8 MOHANAN P.M. PUTHUR HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 9 SANTHOSHKUMAR N.K. NEDUMPARAMBIL HOUSE, OPPOSITE CHURCH, P.O.PUTHUR, THRISSUR - 680014. 10 SATHYAPALAN K.V.(SATHYAN) KALLADATHIL HOUSE, P.O.PUTHUR, THRISSUR -680 014. 11 LALITHA P.S. CHULLIKKATTIL HOUSE, P.O.PUTHUR, THRISSUR - 680 014. W.P.(C)No.2005/2020 & conn.cases 5 12 PRADEEP P.K. POTTEKKAT HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 13 DILEEP P.K. S/O.KOCHUNNY, POTTEKKAT HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 14 JAYACHANDRAN P.K. POTTEKATT HOUSE, P.O.PUTHUR, THRISSUR - 680014. 15 BALAKRISHNAN P.A. POTTEKATT HOUSE, P.O.PUTHUR, THRISSUR- 680 014. 16 KOCHUMATHEW M.I. EDAKALATHUR MUTTIKKAL HOUSE, P.O.PUTHUR, THRISSUR - 680 014. 17 DANIEL P.A. PUTHUR FABRICS, PARADIYIL HOUSE, NEAR CHURCH, P.O.PUTHUR, THRISSUR - 680 014. 18 NETTO GEORGE THEKKUMPURAM HOUSE, KAINOOR P.O., PUTHUR. 19 PRINCE ANTONY PURATTUKARA HOUSE, P.O.PUTHUR. 20 ANTONY P.P. PORANATTUKARA HOUSE, P.O.PUTHUR, THRISSUR - 680014. 21 SAJEEVAN P.S. POTTEKATTU HOUSE, P.O.PUTHUR. 22 THRESIA WILSON W/O.LATE WILSON, KARATHRA HOUSE, P.O.PUTHUR, THRISSUR-680014. 23 SHYJAN C.R. S/O.RAGHAVAN, CHIRAVARAMBATH HOUSE, P.O.PUTHUR, THRISSUR - 680 014. BY ADV K.I.SAGEER RESPONDENT/S:

1 STATE OF KERALA REP. BY ITS SECRETARY TO THE GOVERNMENT, PUBLIC WORKS (G) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM -695 001.

2 DISTRICT COLLECTOR W.P.(C)No.2005/2020 & conn.cases 6 THRISSUR DISTRICT, CIVIL STATION, AYYANTHOLE, THRISSUR - 680 003. 3 SPECIAL TAHASILDAR, LA (GENERAL), THRISSUR TALUK, TALUK OFFICE, THRISSUR -680 020. 4 EXECUTIVE ENGINEER PWD ROADS DIVISION, THRISSUR -

680020. 5 PUTHUR GRAMA PANCHAYATH REP. BY ITS SECRETARY, PANCHAYATH OFFICE, PUTHUR, THRISSUR - 680 014. BY ADV SRI.SANTHOSH P.PODUVAL, SC, PUTHUR GRAMA PANCHAYAT SMT.PREETHA K.K. (SR.G.P.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2023, ALONG WITH WP(C).2005/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2005/2020 & conn.cases 7

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 21161 OF 2020 PETITIONER/S: 1 SUNIKUMAR T.B. AGED 51 YEARS S/O. BHASKARAN, THEKKETHARA HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR-680 014 2 AJITH C.V. AGED 53 YEARS S/O. VALAYUDHAN, CHOROOTTIL HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR-680 014

3 SAIRAM AGED 58 YEARS S/O. MANI, CHULLIPARAMBIL HOUSE, HOUSE, ELAMTHURUTHY.P.O., THRISSUR-680 014 4 BABY AGED 52 YEARS S/O. JOHNY, KOROKKARA HOUSE, ELAMTHURUTHY.P.O., THRISSUR-680 5 HARIHARAN AGED 45 YEARS S/O. AYYAPPAN, MENAKKATH HOUSE, KUTTANELLOOR P.O., THRISSUR- 6 GOPALAKRISHNAN AGED 48 YEARS S/O. AYYAPPAN, MENAKKATH HOUSE, KUTTANELLOOR P.O., THRISSUR-

7 C.G.SANKARANARAYANAN AGED 58 YEARS S/O. GOPALAN, CHOROOTTIL HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR-680 014 8 SURESH C.M. AGED 55 YEARS S/O. MADHAVAN.C.K.,CHOROOTTIL HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR-680 014 9 MOHANDAS W.P.(C)No.2005/2020 & conn.cases 8 AGED 65 YEARS S/O. VALYUDHAN, PAREKKAT HOUSE, PUTHUR P.O., NADATHARA, THRISSUR-680 014 10 ANTONY C.D., AGED 55 YEARS S/O. DEVASSY, CHOVUKKARAN HOUSE,

KUTTANELLOOR P.O., THRISSUR-680 014

11 LIXON K.DAVIS AGED 40 YEARS S/O. K.DAVIS, KARUVANNOOKKARAN HOUSE, KUTTANELLOOR P.O., ELAMTHURUTHY, THRISSUR-680 014 12 JOSE, AGED 61 YEARS S/O. KARUTHAVARU KOCHAPPAU,MELETH HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 13 NARAYANAN AGED 69 YEARS S/O.KITTUNNI, THEKKETHARA HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 14 RAMAKRISHNAN AGED 68 YEARS S/O. RAMANKUTTY, ERINJERI HOUSE PUTHUR,KUTTANELLOOR P.O., THRISSUR-680 014 15 VINAYAKUMARY AGED 61 YEARS W/O. LATE CHANDRASHEKHARAN,MENAKATH HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 16 SANTHA AGED 68 YEARS W/O. RAMAKRISHNAN, AMBADY PADIKKAL HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 17 OMANA AGED 67 YEARS W/O. BHASKARAN, MUNDANAT HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 18 ASHA AGED 60 YEARS W/O. MOHANAN, THOZHUKKATTIL HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014

19 KARTHYAYANI AGED 69 YEARS W/O. KUNARAN, KANJANI HOUSE, ELAMTHURUTHY, KUTTANELLOOR W.P.(C)No.2005/2020 & conn.cases 9 P.O., THRISSUR-680 014

20 SARADA AGED 68 YEARS W/O. RAJAN, NAMBIKULAM HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 21 SAJEEVAN AGED 51 YEARS S/O. VIJAYAN, KANNOLI HOUSE, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 22 GIGESSH M.G. AGED 40 YEARS S/O. GOPALAKRISHNAN, MENAKATH HOUSE,ERAVIMANGALAM P.O., ELAMTHURUTHY, THRISSUR-680 014 23 GEEVARGHESE AGED 79 YEARS S/O. PANKODAN ABRAHAM, ARAKKAL PANKODAN HOUSE,ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014 24 P.S.SUDHAKARAN AGED 65 YEARS S/O. SANKUNNY, POTTEKKATH HOUSE, PUTHUR P.O., THRISSUR-680 25 P.S.SUKUMARAN AGED 67 YEARS S/O.GOPALAKRISHNA, MENAKATH HOUSE, ERAVIMANGALAM

P.O.,ELAMTHURUTHY, THRISSUR-680 014 26 V.K.KISHORE AGED 61 YEARS S/O. KOCHUNNY, VANPARAMBIL HOUSE, KODANNOOR P.O., THANIKKAMANGALAM , THRISSUR-680 563 27 JACOB.P.L. AGED 53 YEARS S/O. LONAPPAN,PONTHEKKAN HOUSE, MARATHAKKARA, ELAMTHURUTHY, KUTTANELLOOR P.O., THRISSUR-680 014

BY ADVS. P.B.KRISHNAN SRI.SABU GEORGE SRI.P.M.NEELAKANDAN SRI.P.B.SUBRAMANYAN SRI.MANU VYASAN PETER RESPONDENT/S: W.P.(C)No.2005/2020 & conn.cases 10 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 2 THE CHIEF ENGINEER , PWD (ROADS) OFFICE OF THE CHIEF ENGINEER, PUBLIC OFFICE, THIRUVANANTHAPURAM-695 033

3 THE DISTRICT COLLECTOR, THRISSUR, CIVIL STATION, AYYANTHOLE, THRISSUR-680 003 4 SPECIAL TAHASILDAR (LA), THRISSUR TALUK, TALUK OFFICE, THRISSUR-680 020 5 EXECUTIVE ENGINEER, PWD ROADS DIVISION, TOWN SECTION, THRISSUR-680 020 6 PUTHUR GRAMA PANCHAYAT, PUTHUR P.O., THRISSUR-680 014, REPRESENTED BY ITS SECRETARY BY ADV SRI.SANTHOSH P.PODUVAL, SC, PUTHUR GRAMA PANCHAYAT SMT. PREETHA K.K. (SR.G.P.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2023, ALONG WITH WP(C).2005/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2005/2020 & conn.cases 11

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 WP(C) NO. 33321 OF 2022 PETITIONERS: 1 SUNNY T.I AGED 62 YEARS PROPRIETOR, AISWARYA JEWELRY, THEKKUMPURAM HOUSE, PUTHUR P.O., THRISSUR-680014. 2 BAIJU T.T, AGED 53 YEARS THRIKKUR HOUSE, PUTHUR P.O., THRISSUR-

680014. 3 VASU P.K, AGED 70 YEARS PANIKKASSERY HOUSE, PUTHUR P.O., THRISSUR-680014. 4 MANY N.U @ SOUBHAGIYAVATHY, AGED 74 YEARS W/O LATE VASU K, VADAKKOOT HOUSE, PUTHUR P.O., THRISSUR-680014. 5 THOMAS K.A, AGED 49 YEARS KOTTALLUKARAN HOUSE, PUTHUR P.O., THRISSUR-680014. 6 JOHNSON K.A, AGED 47 YEARS KOTTALLUKARAN HOUSE, PUTHUR P.O., THRISSUR-680014. 7 SHIJI M.G, AGED 46 YEARS S/O GEORGE, MALIYEKKAL HOUSE, PUTHUR P.O., THRISSUR-680014. 8 MOHANAN P.M, AGED 68 YEARS PUTHUR HOUSE, PUTHUR P.O- THRISSUR-680014. 9 SANTHOSHKUMAR N.K., AGED 52 YEARS NEDUMPARAMBIL HOUSE, OPPOSITE CHURCH, PUTHUR P.O., THRISSUR- 680014.

10 SATHYAPALAN K.V. @ SATHYAN, W.P.(C)No.2005/2020 & conn.cases 12 AGED 70 YEARS KALLADATHIL HOUSE, PUTHUR P.O, THRISSUR-680014. 11 LALITHA P.S, AGED 73 YEARS CHULLIKKATTIL HOUSE, PUTHUR P.O, THRISSUR-680014. 12 PRADEEP P.K, AGED 56 YEARS POTTEKATT HOUSE, PUTHUR P.O, THRISSUR-680014. 13 DILEEP K, AGED 54 YEARS S/O KOCHUNNY, POTTEKATT HOUSE, PUTHUR P.O, THRISSUR-680014. 14 JAYACHANDRAN P.K, AGED 52 YEARS POTTEKATT HOUSE, PUTHUR P.O, THRISSUR-680014. 15 SURJI P.B, AGED 53 YEARS S/O BALAKRISHNAN, POTTEKKAT HOUSE, PUTHUR P.O, THRISSUR- 680014. 16 FRANCIS MUTTIKKAL, AGED 49 YEARS EDAKKALATHUR MUTTIKKAL HOUSE, PUTHUR P.O., THRISSUR-680014

17 DANIEL P.A, AGED 66 YEARS PUTHUR FABRICS, PARADIYIL HOUSE, NEAR CHURCH, PUTHUR P.O., THRISSUR-680014.

18 NETTO GEORGE, AGED 52 YEARS THEKKUMPURAM HOUSE, PUTHUR P.O, THRISSUR-680014 19 PRINCE ANTONY, AGED 50 YEARS PURATTUKARA HOUSE, PUTHUR P.O., THRISSUR-680014 20 ANTONY P.P, AGED 80 YEARS,PORANATTUKARA HOUSE, PUTHUR P.O., THRISSUR-680014. 21 SAJEEVAN P.S, AGED 62 YEARS POTTEKATTU HOUSE, PUTHUR P.O., THRISSUR-680014. 22 THRESIA WILSON, AGED 70 YEARS W.P.(C)No.2005/2020 & conn.cases 13 W/O WILSON, KARATHARA HOUSE,

PUTHUR P.O., THRISSUR-680014. 23 SHYJAN C.R, AGED 48 YEARS S/O RAGHAVAN, CHIRAVARAMBATH HOUSE, PUTHUR P.O., THRISSUR- 680014. BY ADVS. K.I.SAGEER MUHAMMED YASIL RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 DISTRICT COLLECTOR FIRST FLOOR, CIVIL STATION, AYYANTHOLE, THRISSUR-680003. 3 SPECIAL TAHSILDAR (LA GENERAL) THRISSUR TALUK, TALUK OFFICE ,THRISSUR-680020. 4 EXECUTIVE ENGINEER OFFICE OF EXECUTIVE ENGINEER, PWD ROAD DIVISION, CHEMBUKKAV, THRISSUR-680020. 5 PUTHUR GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE, PUTHUR, THRISSUR-680014. 6 DEPARTMENT OF REVENUE REPRESENTED BY ADDITIONAL SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. BY ADV SHRI.SANTHOSH P.PODUVAL, SC, PUTHUR GRAMA PANCHAYAT SMT. PREETHA K.K. (SR.G.P) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.06.2023, ALONG WITH WP(C).2005/2020 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C)No.2005/2020 & conn.cases 14

JUDGMENT

[WP(C) Nos.2005/2020, 4990/2023, 16661/2020, 21161/2020, The petitioners in these cases have approached this Court being aggrieved by the fact that certain properties belonging to them are proposed for acquisition for the purpose of widening the existing Kuttanelloor-Puthur- Manna Mangalam PWD Road without considering the objections raised by the petitioners and without following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act, 2013).

2. It is the case of the petitioners in each of these cases that all along

the proposed alignment, there are several pockets of puramboke land which are under the illegal occupation of street vendors etc. It is submitted that, if the aforesaid land is taken over, the necessity of acquiring private land can be reduced to a substantial extent and several parcels of land including the lands belonging to the petitioners in these cases can be avoided altogether.

3. The learned Government Pleader on instructions would submit

that while every effort has been made to take over puramboke land for widening of the existing road, the alignment of the road will be badly affected if the acquisition is restricted to the puramboke land, after excluding the lands belonging to the petitioners in these cases. The importance and W.P.(C)No.2005/2020 & conn.cases 15 necessity of widening the aforesaid road has also been pointed out by the learned Government Pleader. On the basis of oral directions issued by this Court, an affidavit has been filed by the 3 rd respondent in W.P.(C)No.4990/2023 where in paragraph 9, it is stated as follows:-

> 9. It is most humbly submitted that the petitioners in the instant writ petition and the above-mentioned writ petitions are seeking utilization of the Puramboke lands, vested with the Government for the above-mentioned project and to avoid acquisition of private holdings, including their properties. It is most humbly submitted that all Puramboke lands which Puramboke lands which can be utilized as per the approved alignment plan has been demarcated and shall be evicted and utilized for the yo above-mentioned road widening project. The acquisition is being carried out to the extend additional land is required for the widening of the roads after maximum inclusion of the Puramboke lands as per the approved alignment. It is pertinent to note that any remaining Puramboke lands cannot be utilized for the widening works since the same may alter the approved alignment, which may defeat the entire project itself. The alignment has been fixed after conducting detailed studies in that regard and as such, any deviation from the same would not be beneficial to the project. The petitioners in the above-mentioned writ petitions are indirectly proposing alternative alignment under the guise of requests to

utilize the entire Puramboke lands for the above project.

4. It is settled law that this Court exercises very limited jurisdiction

in matters relating to alignment etc., fixed by the competent authority for the purposes of development of existing roads. It would not be possible for this Court in exercise of jurisdiction under Art.226 of the Constitution of India to determine the best possible alignment or the best possible method of development of an existing road. These are matters best left to experts in the field. However, when specific allegations are raised that puramboke land in the illegal occupation of street vendors etc., are being left out and private land is being acquired when such puramboke land could have been effectively W.P.(C)No.2005/2020 & conn.cases 16 utilised, necessarily this must be considered by the authorities concerned. The averments in paragraph 9 of the affidavit filed by the 3 rd respondent in W.P.(C)No.4990/2023 as extracted hereinabove are recorded. The authorities shall take steps to evict all unauthorised encroachments from puramboke land on the aforesaid road and to utilise such puramboke land to the maximum extent possible for the development of road without in any manner affecting the alignment already fixed. Any land which is required to be acquired from private parties including the petitioners in these cases can be acquired if the authorities feel that the same is necessary for the purposes of maintaining the alignment of the proposed road. However, even in respect of puramboke land that is left out of the alignment, the authorities shall take immediate steps to evict unauthorised encroachments and to ensure that such lands are not occupied in any manner by unauthorised occupants. If the petitioners or any one of them have any case that pattayams are proposed to be issued to the unauthorised occupants, it will be open to them to approach this Court seeking appropriate reliefs regarding the same. The writ petitions are disposed of with the aforesaid directions. Sd/- GOPINATH P. JUDGE acd W.P.(C)No.2005/2020 & conn.cases 17 APPENDIX OF WP(C) 4990/2023 PETITIONER EXHIBITS Exhibit-P1 A TRUE COPY OF DECISION NO.6 (18) TAKEN BY RESPONDENT NO.6 PANCHAYAT IN ITS MEETING DATED 24-06-2014 Exhibit-P2 A TRUE COPY OF DECISION NO.15(3) TAKEN BY RESPONDENT NO.6 PANCHAYAT IN ITS MEETING DATED 20-01-2017 Exhibit-P3 A TRUE COPY OF THE MINUTES OF THE

MEETING DATED 30-07-2018 Exhibit-P4 A TRUE COPY OF G.O(RT) NO.2261/2019/RD DATED 17- 08-2019 Exhibit-P5 A TRUE COPY OF THE EXTRA ORDINARY GAZETTE NO.3227 DATED 28-12-2019 Exhibit-P6 A TRUE COPY OF THE EXTRA ORDINARY GAZETTE NO. 2831 DATED 24-08-2022 Exhibit-P7 A TRUE COPY OF THE OBJECTION FILED BY PETITIONERS 1 TO 4 BEFORE RESPONDENT NO.3 ON 18-09-2022 Exhibit-P8 A TRUE COPY OF THE PROCEEDINGS DATED 21-11-2022 Exhibit-P9 A TRUE COPY OF THE ORDER DATED 31-12-2022 W.P.(C)No.2005/2020 & conn.cases 18 APPENDIX OF WP(C) 16661/2020 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING NO.6(18) DATED 24/06/2014 OF THE 5TH RESPONDENT. EXHIBIT P2 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING NO.15(3) DATED 20/01/2017 OF THE 5TH RESPONDENT. EXHIBIT P3 A TRUE COPY OF THE ORDER,G.O.(RT) NO.572/2018/PWD DATED 29/03/2018, ISSUED BY THE 1ST RESPONDENT. EXHIBIT P4 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING CONVENED BY OLLUR MLA DATED 30/07/2018. EXHIBIT P5 A TRUE COPY OF THE ORDER, G.O.(RT) NO.2261/2019/RD DATED 17/08/2019, ISSUED BY THE 1ST RESPONDENT. EXHIBIT P6 A TRUE COPY OF THE RELEVANT EXTRACT OF THE KERALA GAZETTE EXTRAORDINARY DATED 28/12/2019. EXHIBIT P7 A TRUE COPY OF THE APPLICATION UNDER RTI ACT DATED 24/01/2020. EXHIBIT P8 A TRUE COPY OF THE REPLY GIVEN BY THE 3RD RESPONDENT DATED 03/02/2020. EXHIBIT P9 A TRUE COPY OF THE APPLICATION UNDER RTI ACT DATED 24/01/2020. EXHIBIT P10 A TRUE COPY OF THE REPLY GIVEN BY THE 4TH RESPONDENT DATED 05/02/2020. EXHIBIT P11 A TRUE COPY OF THE REPLY GIVEN BY THE PUBLIC INFORMATION OFFICER AND ASSISTANT ENGINEER, PWD DATED 18/02/2020. EXHIBIT P12 A TRUE COPY OF THE ALIGNMENT SKETCH. EXHIBIT P13 A TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT. W.P.(C)No.2005/2020 & conn.cases 19 APPENDIX OF WP(C) 21161/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF DECISION NO.6(18) TAKEN BY RESPONDENT NO.6 PANCHAYAT IN ITS MEETING DATED 24.06.2014 EXHIBIT P2 TRUE COPY OF DECISION NO.15(3) TAKEN

BY RESPONDENT NO.6 PANCHAYAT IN ITS MEETING DATED 20.01.2017 EXHIBIT P3 TRUE COPY OF THE MINUTES OF THE MEETING DATED 30.07.2018 EXHIBIT P4 TRUE COPY OF GO(RT) NO.2261/2019/RD DATED 17.08.2019 EXHIBIT P5 TRUE COPY OF THE EXTRA ORDINARY GAZETTE NO.3227 DATED 28.12.2019 W.P.(C)No.2005/2020 & conn.cases 20 APPENDIX OF WP(C) 33321/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING NO.6(18) DATED 24.06.2014 OF THE 5TH RESPONDENT. Exhibit P2 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING NO.15(3) DATED 20.10.2017 OF THE 5TH RESPONDENT. Exhibit P3 A TRUE COPY OF THE G.O.(RT.) NO.572/2018/PWD DATED 29.03.2018 ISSUED BY THE 1ST RESPONDENT. Exhibit P4 A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE MEETING CONVENED BY THE OLLUR MLA DATED 30.07.2018. Exhibit P5 A TRUE COPY OF THE G.O(RT.) NO.2261/2019-RD DATED 17.08.2019 ISSUED BY THE 1ST RESPONDENT. Exhibit P6 A TRUE COPY OF THE RELEVANT EXTRACT OF THE KERALA GAZETTE EXTRAORDINARY DATED 28.12.2019. Exhibit P7 A TRUE COPY OF THE RTI APPLICATION DATED 24.01.2020. Exhibit P8 A TRUE COPY OF THE RTI REPLY DATED 03.02.2020 BY THE 3RD RESPONDENT. Exhibit P9 A TRUE COPY OF THE RTI APPLICATION DATED 24.01.2020. Exhibit P10 A TRUE COPY OF THE RTI REPLY DATED 05.02.2020 BY THE 4TH RESPONDENT. Exhibit P11 A TRUE COPY OF THE RTI REPLY DATED 18.02.2020 BY THE PUBLIC INFORMATION OFFICER & ASSISTANT ENGINEER. Exhibit P12 A TRUE COPY OF THE SKETCH ISSUED BY THE PUBLIC INFORMATION OFFICER & ASSISTANT ENGINEER. Exhibit P13 A TRUE COPY OF THE REPRESENTATION DATED 30.06.2020 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT. Exhibit P14 A TRUE COPY OF THE GAZETTE NOTIFICATION S.R.O NO. W.P.(C)No.2005/2020 & conn.cases 21 RESPONDENT. Exhibit P15 A TRUE COPY OF THE OBJECTION DATED 23.09.2022 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT. W.P.(C)No.2005/2020 & conn.cases 22 APPENDIX OF WP(C) 2005/2020 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE ADMINISTRATIVE SANCTION ACCORDED

ORDER ISSUED WITH G.O. (RT0 NO. 572/2/2018/PWD

DATED THIRUVANANTHAPURAM 29.03.2018.

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