

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE
&
THE HONOURABLE MR. JUSTICE S.MANU**

**Monday, the 5th day of August 2024 / 14th Sravana, 1946
WP(C) NO. 16539 OF 2024(S)**

PETITIONERS:

1. THE VARAPPUZHA GRAMA PANCHAYATH, REP. BY ITS SECRETARY, VARAPUZHA GRAMA PANCHAYATH OFFICE, WARD NO. 13, CHETTIBHAGAM MAIN ROAD, VARAPUZHA, KERALA, PIN - 683517
2. KOCHURANI JOSEPH, AGED 58 YEARS, D/O JOSEPH K.V., RESIDING AT KOLERIKKAL HOUSE, MUTTINAKAM, VARAPUZHA P.O., VARAPUZHA - 673 517, THE PRESIDENT, VARAPPUZHA GRAMA PANCHAYATH, VARAPUZHA GRAMA PANCHAYATH OFFICE, WARD NO. 13, CHETTIBHAGAM MAIN ROAD, VARAPUZHA, KERALA, PIN - 683 517.

RESPONDENTS:

1. THE NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI), REP. BY ITS PROJECT DIRECTOR NH66, VII/511 B, NEITHELI- MAVELIPURAM ROAD, MAVELIPURAM, KAKKANAD, ERNAKULAM, PIN - 682 030.
2. THE PROJECT DIRECTOR, NH66, THE NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI), VII/511 B, NEITHELI- MAVELIPURAM ROAD, MAVELIPURAM, KAKKANAD, ERNAKULAM, PIN - 682 030.
3. THE DISTRICT DISASTER MANAGEMENT AUTHORITY, REP. BY DISTRICT COLLECTOR, CHAIRPERSON, FIRST FLOOR, CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682 030.
4. KERALA STATE DISASTER MANAGEMENT AUTHORITY, REP. BY ITS CONVENOR, OBSERVATORY HILLS, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695 033.

ADDITIONAL R5 IS IMPLEADED

5. THE PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695 003.

**ADDL.R5 IS SUO MOTU IMPLEADED AS PER ORDER DATED 05.08.2024
IN WP(C) 16539/2024.**

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 respondents 1 and 2 to consider and pass orders to Ext.P6 to Ext.P9 representations after giving an opportunity of hearing to the petitioner Panchayath, pending final disposal of the above writ petition.

P.T.O.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 18/07/2024 and upon hearing the arguments of SRI.NIRMAL.S, Advocate for the petitioners, M/S. E.C.KURIAKOSE & LEJO JOSEPH GEORGE, Advocates for R1 and R2, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R3 & R4 and of GOVERNMENT PLEADER for Addl. R5, the court passed the following:

P.T.O.



A. MUHAMED MUSTAQUE, Acg. C. J. & S. MANU, J.

W. P. (C) No. 16539 of 2024

Dated this the 5th day of August, 2024

ORDER

A. Muhamed Mustaque, Acg. C. J.

The Principal Secretary, Local Self Government Department, Thiruvananthapuram, is suo motu impleaded as the additional 5th respondent in this writ petition.

2. This writ petition highlights the issue of water logging in Varappuzha Grama Panchayat. The petitioners in this case are voicing their grievance against the construction of National Highway which is causing water logging between Ch. 414 and Ch. 415. The petitioner's case is that no cross-drainage system has been made by the National Highways Authority in this area and as a result, during the rainy season, water accumulates causing hindrance to the public.

3. We have also dealt with another writ petition raising

similar concerns in Mahe Bypass. We note that similar writ petitions are coming before this Court pointing out the issue of water logging in many places where construction / widening of National Highways is being carried out. It appears that the National Highways Authority is not undertaking any construction relating to drainage on the sides of the roads as they consider it as a State subject. When the newly built National Highways become operational, it is likely to cause a serious threat with regard to water logging if no necessary measures are taken to construct drainage on the sides of the roads for the free flow of water. This may also result in accidents and also cause hindrance to the smooth sailing of vehicles.

This situation has arisen because of the lack of coordination between different stakeholders. Merely directing the District Collector to invoke the provisions of the Disaster Management Act may not be sufficient. There must be a concrete solution in this regard by the State Government in consultation with the National Highways Authority. Therefore, we seek the response of

the additional respondent impleaded in this regard within three weeks.

**Sd/-
A. MUHAMED MUSTAQUE
ACTING CHIEF JUSTICE**

**Sd/-
S. MANU
JUDGE**

Eb

