



2024:KER:73150

WP(C) NO. 31375 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 3<sup>RD</sup> DAY OF OCTOBER 2024 / 11TH ASWINA, 1946

WP(C) NO. 31375 OF 2024

PETITIONER/S:

DR. E. SREEDHARAN  
AGED 92 YEARS  
S/O. LATE K. NEELAKANDAN MOOSATH, RESIDING AT  
PERUMBAYIL HOUSE, KUTTIKAD ROAD, PONNANI P.O.,  
MALAPPURAM, PIN - 679577

BY ADVS.  
SAJITH KUMAR V.  
VIVEK A.V.  
SREEHARI V.S.

RESPONDENT/S:

1 STATE OF KERALA  
REPRESENTED BY PRINCIPAL SECRETARY TO THE



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GOVERNMENT, PUBLIC WORKS DEPARTMENT, GOVERNMENT  
OF KERALA, SECRETARIATE, THIRUVANANTHAPURAM, PIN  
- 695001

- 2 ROADS AND BRIDGES DEVELOPMENT CORPORATION LTD.  
REPRESENTED BY ITS MANAGING DIRECTOR, OFFICE OF  
ROAD AND BRIDGES DEVELOPMENT CORPORATION LTD.,  
2ND FLOOR, PREETHI BUILDING, M.V. ROAD,  
PALARIVATTOM, KOCHI, ERNAKULAM, PIN - 682025
- 3 THE CHIEF ENGINEER  
PWD (ROADS AND BRIDGES), PUBLIC WORKS DEPARTMENT,  
GOVERNMENT OF KERALA, SECRETARIATE,  
THIRUVANANTHAPURAM, PIN - 695001
- 4 KERALA INFRASTRUCTURE INVESTMENT FUND BOARD  
(KIIFB)  
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER/FUND  
MANAGER, THE KERALA INFRASTRUCTURE INVESTMENT  
FUND BOARD, 2ND FLOOR, FELICITY SQUARE, MG  
SQUARE, STATUTE, THIRUVANANTHAPURAM, PIN - 695001
- 5 URALUNGAL LABOUR CONTRACT CO-OPERATIVE SOCIETY  
LTD. NO. 10957  
REPRESENTED BY ITS CHAIRMAN, MADAPPALLY COLLEGE  
P.O., VADAKARA, KOZHIKODE, PIN - 673102
- 6 THE EXECUTIVE ENGINEER (PWD)  
OFFICE OF THE EXECUTIVE ENGINEER, CIVIL STATION,  
MALAPPURAM, PIN - 676505

BY ADV RESMITHA.R.CHANDRAN



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THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 03.10.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



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## JUDGMENT

Heard Sri. Sajith Kumar V., learned counsel for the Petitioner and Sri. Jiltu K.Gills, learned counsel for Respondent No.3 and Sri. V.Tekchand, learned Senior Government Pleader for Respondent No.1.

2. By this Public Interest Litigation, the Petitioner seeks a writ of mandamus directing the Respondents to consider the alternative alignment for the construction of Thirunavaya – Thavanur Bridge proposed by the Petitioner. A further direction is sought to the Respondents not to proceed with the present alignment for construction of the bridge connecting Thirunavaya – Thavanur.

3. The Petitioner, as stated in the petition, is an engineer by profession and the Architect behind Konkan Railway and Delhi Metro Rail projects. The Petitioner, out of his expertise in the said subject, has pointed out certain issues as regards the construction of Thirunavaya – Thavanur Bridge as to how the alignment of the bridge should be. The



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learned Senior Government Pleader states that the work has already commenced.

4. Alignment of bridge involves technical expertise. It is not possible for us to assume the expertise in the subject and issue a writ of mandamus to change the alignment of the bridge. However, this is a matter where considering the long standing expertise and experience of the Petitioner in this field, that the authorities would consider this petition as a suggestion/input of the Petitioner be implemented if it is feasible.

5. Learned Government Pleader states that a copy of this petition would be placed before the 1<sup>st</sup> Respondent. The 1<sup>st</sup> Respondent will examine the suggestions given by the Petitioner and thereafter take an appropriate decision. We leave that decision for the Respondents to take.

6. The learned counsel for the Petitioner states that the Petitioner is ready to meet the 1<sup>st</sup> Respondent and explain the input. The Respondent No.1 will give audience to the Petitioner either



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personally or through video conferencing to understand his suggestions/ input.

7. The writ petition is disposed of accordingly.

Sd/-

**NITIN JAMDAR  
CHIEF JUSTICE**

Sd/-

**S.MANU  
JUDGE**

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APPENDIX OF WP(C) 31375/2024

**PETITIONER EXHIBITS**

- Exhibit P1**                    **A TRUE COPY OF THE G.O.(RT) NO. 1496/2016/PWD DATED 31.10.2016 ISSUED ON BEHALF OF THE 1ST RESPONDENT**
- Exhibit P2**                    **A TRUE COPY OF THE G.O.(RT) NO. 73/2017/PWD DATED 16.01.2017 ISSUED ON BEHALF OF THE 1ST RESPONDENT**
- Exhibit P3**                    **A TRUE COPY OF THE G.O.(RT) NO. 1066/2017/PWD DATED 22.07.2017 ISSUED ON BEHALF OF THE 1ST RESPONDENT**
- Exhibit P4**                    **A TRUE COPY OF THE LETTER DATED 29.10.2022 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA**
- Exhibit P5**                    **A TRUE COPY OF THE LETTER/REPRESENTATION DATED 18.02.2023 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR PUBLIC WORK DEPARTMENT AND TOURISM**
- Exhibit P6**                    **A TRUE COPY OF THE REPRESENTATION DATED 24.08.2024 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER OF KERALA**
- Exhibit P7**                    **A TRUE COPY OF THE JANMABHOOMI NEWSPAPER REPORT DATED 28.12.2023**



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**Exhibit P8**                    **A TRUE COPY OF THE PLAN PREPARED BY THE PETITIONER SHOWING ALIGNMENT OF THE BRIDGE**

**RESPONDENT EXHIBITS**

**Exhibit R2(a)**                **Government Order GO (Rt)  
No.1044/2009/PWD dated 14/07/09.**

**Exhibit R2(b)**                **ALIGNMENT PLAN OF PROPOSED THIRUNAVAYA BRIDGE. Date Nil**

**Exhibit R2(h)**                **Government Order GO (Rt)  
No.1066/2017/PWD dated 22.07.2017.**

**Exhibit R2(i)**                **Bridge across Bharathapuzha at Thavanur. A letter was given by the petitioner in 2022 only. As per the exhibit PS, which is produced.**

**Exhibit R2(j)**                **A new proposal for connecting Guruvayur to Tirunavaya was initiated in October 2009 by Railways. A new proposal for connecting Guruvayur to Tirunavaya was initiated in October 2009 by Railways. A true copy of the Wikipedia page is produced.**

**Exhibit R2(k)**                **The Exhibit R2(k) would reveal that the bridge is planned perpendicular to the river flow direction. Copy of alignment comparison drawing is produced.**





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- Exhibit R2(c) Government Order GO (Rt) No.  
706/2010/PWD dated 29.04.2010
- Exhibit R2(g) KIIFB- Project: PWD001-28: Construction  
of River Bridge across Bharathapuzha at  
Thirunavaya In Malappuram District-  
Approval and Sanction of funding -  
Orders Issued. Order no. APR-  
2/136/2017/KIIFB dated 16.12.2017.
- Exhibit R2(d) Government Order GO (Rt) No:  
1496/2016/PWD dated 31.10.2016.
- Exhibit R2(f) Government Order GO (Rt) n0.73/2017/PWD  
dated 16.01.2017.
- Exhibit R2(e) PWD - KIIFB Construction of a bridge  
across Bharathapuzha at Thirunavaya in  
Malappuram District. The answering  
respondent informed Government that the  
project was already allocated to it and  
that the land acquisition for the  
project is in progress and the copy of  
the same is produced.