

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

WEDNESDAY, THE 22ND DAY OF FEBRUARY 2023 / 3RD PHALGUNA, 1944

WP(C) NO. 8140 OF 2022

PETITIONER:

KERALA LEGAL SERVICES AUTHORITY,
OFFICE OF THE KERALA LEGAL SERVICES AUTHORITY,
NIYAMA SAHAYA BHAVAN, HIGH COURT COMPOUND, ERNAKULAM,
KOCHI - 682 031, REPRESENTED BY ITS MEMBER SECRETARY
MR. NISAR AHAMMED K T., PIN - 682031.

BY ADVS.
ROSHEN.D.ALEXANDER
TINA ALEX THOMAS
HARIMOHAN

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.
- 2 THE PRINCIPAL SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.
- 3 THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.
- 4 THE CHIEF ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT
(EW), 5TH FLOOR, SWARAJ BHAVAN NANTHANCODE,
KOWDIAR P.O., THIRUVANANTHAPURAM -695003.
- 5 THE DISTRICT COLLECTOR, COLLECTORATE,
MALAPPURAM - 676 505.
- 6 THE DISTRICT PANCHAYAT, MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY, MALAPPURAM- 676505.

- 7 KALIKAVU GRAMA PANCHAYAT,
OFFICE OF THE KALIKAVU GRAMA PANCHAYAT, KALIKAVU P.O.,
MALAPPURAM DISTRICT - 676 525. REPRESENTED BY ITS
SECRETARY.
- 8 CHOKKAD GRAMA PANCHAYAT,
OFFICE OF THE CHOKKAD GRAMA PANCHAYAT, KL SH 39,
CHOKKAD, KERALA, MALAPPURAM - 679 332.
- *ADDL R9. EXECUTIVE ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT
DIVISION, MALAPPURAM DISTRICT PANCHAYAT, MALAPPURAM
DISTRICT.

*(SUO MOTU IMPEADED VIDE ORDER DATED 22.02.2023 IN
W.P.(C) NO.8140/2022(S)).

BY ADVS.

SHRI.EBIN MATHEW, SC, KALIKAVU GRAMA PANCHAYAT
SHRI.DEEPU LAL MOHAN, SC, CHOKKAD GRAMA PANCHAYAT

OTHER PRESENT:

SRI. ALEX M. THOMBRA-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS & C.S. SUDHA, JJ.

W.P. (C) No.8140 of 2022

Dated this the 22nd day of February, 2023

JUDGMENT

Alexander Thomas, J.

The prayers in the afore captioned W.P.(C.), are as follows:

- “i) To issue a writ in the nature of Mandamus or any other appropriate writ, order or direction directing Respondents 1 to 4 to immediately reconstruct Venthodampadi-Muthanthandu bridge in a time bound manner within a period fixed by this Hon’ble Court.*
- ii) To issue a writ, order or direction directing that delay occurred I reconstructing Venthodampadi-Muthanthandu bridge due to the inaction at various levels of governance is violative of the rights of the citizen under Article 19(1)(d) and Article 21 of the Constitution of India.”*

2. Heard Sri. Roshen D. Alexander, learned Advocate, instructed by Smt. Tina Alex Thomas, learned counsel appearing for the petitioner, Sri. Alex M. Thombra, learned Senior Government Pleader, appearing for official respondents 1 to 5 & Additional respondent No.9, Sri. Ebin Mathew, learned Advocate, appearing for R-7 (Kallikavu Grama Panchayat), and Sri. Deepu Lal Mohan, learned Standing Counsel, appearing for R-8 (Chokkad Grama Panchayat). Though notice has been duly served on R-6 (The District Panchayat, Malappuram), the said party has not entered appearance.

3. A State Legal Services Authority, like the petitioner Kerala State Legal Services Authority, is constituted under Section 6 of the Legal Services Authority Act, 1987. As per section 6(2)(a), the Chief Justice of the High Court shall be the Patron-in-Chief of the State Legal Services Authority. By virtue of section 6(2)(b), a serving or retired judge of the High Court shall be the Executive Chairman of the State Legal Services Authority. He shall be nominated by the Governor, in consultation with the Chief Justice of the High Court. Further, by virtue of Section 6(2)(c), State Authority shall consist of such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by the Government in consultation with the Chief Justice of the High Court. As per Section 2(1)(f), “prescribed” means prescribed by the rules made under the Act.

4. As far as the National Legal Services Authority is concerned, Section 3(2)(a) states that the Chief Justice of India shall be the Patron-in-Chief and as per Section 3(2)(b), a serving or retired judge of the Supreme Court, nominated by the President, in consultation with the Chief Justice of India, shall be the Executive Chairman. Section 4 of the Act details the functions of the Central Authority,

whereas Section 7 states the functions of the State Authority. As per Section 4(d) of the Act, the Central Authority shall take necessary steps, by way of social justice litigation, on matters of special concern to the weaker sections of the society.

5. Section 7 of the Legal Services Authorities Act, 1987 details the functions of State Authority which is extracted as follows:

“7. Functions of the State Authority. —

- (1) *It shall be the duty of the State Authority to give to effect to the policy and directions of the Central Authority.*
- (2) *Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:—*
 - (a) ***give legal service to persons** who satisfy the criteria laid down under this Act;*
 - (b) *conduct LokAdalats, including LokAdalats for High Court cases;*
 - (c) *undertake preventive and strategic legal aid programmes; and*
 - (d) *perform such other functions as the State Authority may, in consultation with the Central Authority, fix by regulations.”*

6. So, by virtue of Section 7(2)(a) of the Act, the State Authority shall give legal service to persons who satisfy the criteria laid down under the Legal Service Authorities Act, 1987. As per Section 2(c), “legal service” includes rendering of any service, in the conduct of any case or other legal proceeding, before any court or other authority or tribunal and the giving of advice on any legal matter. The criteria for giving legal services and the entitlement to

legal services are detailed in the Act. Thus, the Petitioner has statutory responsibility to provide legal service for the eligible and deserving, even by filing of cases before the Constitutional courts.

7. Moreover, as per KELSA Rules, 1998, Rule 5 states about the powers and functions of the Member Secretary of KELSA, appointed under Section 6(3) of the Act. As per Section 6(3) of the Act, the Member Secretary of the State Authority has to exercise such powers and perform such duties under the Executive Chairman of the State Authority, as may be prescribed by that Government or as may be assigned to him by the Executive Chairman. “As may be prescribed” means as prescribed by the Rules made under the Act, as defined in Section 2(1)(f). As per Rule 5(xiv), the Member Secretary shall perform such duties as may be assigned by the Executive Chairman from time to time.

8. From the abovesaid provisions of the Legal Services Authorities Act, 1987, it is clear that the petitioner (Legal Services Authority) is a statutory authority, constituted by an Act, framed by the Parliament and is thus, a statutory body and is cast with various duties and obligations mentioned above, especially in the matter of providing legal services for eligible and deserving persons, by way of

appropriate and necessary actions in the matter. So, we have no doubt that the petitioner (Legal Services Authority), has the locus to initiate public interest litigation in appropriate cases, for effectuating public good and for the protection of public interest.

9. In the light of these aspects, we are of the view that the petitioner-State Legal Services Authority, has the locus to maintain this public interest litigation.

10. In this case, in the nature of the subsequent developments, there may not be any necessity for us to adjudicate the case on merits, especially in view of the voluntary stand taken by the respondent authorities.

11. Initially, the Division Bench of this Court has passed order dated 11.03.2022 in this case, which reads as follows:-

“Kerala Legal Services Authority, represented by its Member Secretary, Ernakulam, has instituted the instant public interest writ petition, for a mandamus directing the Principal Secretary to the Government, Local Self Government Department, Thiruvananthapuram, the Principal Secretary to the Government, Finance Department, Thiruvananthapuram, the Principal Secretary to the Government, Public Works Department, Thiruvananthapuram, and the Chief Engineer, Local Self Government Institutions (EW), Thiruvananthapuram, respondents 1 to 4, to immediately reconstruct Venthodampadi – Muthanthandu bridge, in a time bound manner, within a period fixed by this Court

2. Petitioner has also sought for a further direction that delay occurred in reconstructing Venthodampadi – Muthanthandu bridge, due to the inaction at various levels of governance, is violative of the rights of the citizen under Article 19(1)(d) and Article 21 of the Constitution of India.

3. Short facts leading to the writ petition are as hereunder:-

a) Petitioner herein is the Kerala State Legal Services Authority

constituted under the provisions of the Legal Services Authorities Act, 1987. Petitioner prefers this writ petition as Public Interest Litigation, seeking indulgence of this Court to direct the respondents herein, who are none other than the State and its instrumentalities, for the purpose of issuance of appropriate direction for the reconstruction of Venthodampadi - Muthanthandu bridge, connecting Kalikavu and Chokkad Grama Panchayats, respondents 7 and 8 respectively, which was completely destroyed during the flood of 2018.

b) According to the petitioner, from 2018 onwards, destruction of the bridge in the flood has badly affected the day-to-day life of the local inhabitants and villagers of both the Panchayats. The inhabitants and local people of these two Panchayats are finding it difficult to travel between these two Panchayats. Due to the relentless attempts of the local villagers, the State Government has included reconstruction work of the Venthodampadi - Muthanthandu Bridge in the budget for the financial year 2020-2021, and also released an amount of Rs.20 Lakhs, being 20% of the estimate. Even after the lapse of 3 years, the reconstruction work of the Venthodampadi - Muthanthandu Bridge, which is entrusted to the Local Self Government Department, has not commenced.

c) Petitioner has submitted that the Kalikavu Grama Panchayat, the 7th respondent, by virtue of Ext. P2, had decided to request the District Panchayat, Malappuram, the 6th respondent, to prepare the necessary design and estimate for the reconstruction of the bridge. Though by virtue of Ext. P3, Ext. P2 decision was communicated to the 6th respondent District Panchayat, it was never acted upon. Since, pursuant to Ext. P3, no action was taken with respect to the reconstruction of Venthodampadi - Muthanthandu Bridge; a student of the Village, namely Sri. Ajmal Shah, represented his grievance before the Hon'ble Minister for Local Self Government Department, for and on behalf of all the local residents, by virtue of Ext. P4. In addition to that, petitioner in Ext. P4 also submitted representation to the Hon'ble Speaker of the Kerala Legislative Assembly, for which Ext.P5 and Ext.P6 letters were issued to the petitioner, informing that his representations were forwarded to the Ministers of concerned Departments.

d) Petitioner has further submitted that pursuant to Exts. P5 and P6, the Executive Engineer, Public Works Department, informed the Superintending Engineer, Public Works Department, by virtue of Ext.P7, that the Venthodampadi - Muthanthandu Bridge, is not coming under the Public Works Department, and since the Local Self Government Department has taken steps to complete the said project, it is appropriate to complete the construction of the Bridge through Local Self Government Department. It was also informed that, if required, the investigation details shall be handed over to the Local Self Government Department.

e) It is further submitted that be that as it may, when petitioner in Ext. P4 submitted Ext. P8 application under the Right to Information Act, 2005, it was replied by the Public Information Officer of the District Panchayat, the 6th respondent, by virtue of Ext.P9 that no estimate or investigation was prepared by the Engineering section, and also replied

that the delay was occurred only because of the fact that no administrative sanction was given to perform the said work, through the Engineering wing of the Local Self Government Department. It was also stated therein that without administrative sanction, Local Self Government Department cannot do anything.

f) Petitioner has also submitted that though even after allocating funds in the budget for the reconstruction of Venthodampadi - Muthanthandu Bridge, which is evident from by Exts. P1, P2, P3, P7, P10, P15, P16, P17 and P18 documents, and seeking attention of M.L.A., Ministers etc. to this matter directly as well as by submitting complaints, e-mail messages, by virtue of Exts. P10 to P19; no action is taken by the respondents stating trifling technical reasons, which is illegal and arbitrary. Finally, the student petitioner in Ext. P4 submitted Ext.P19 representation to the Kerala Legal Services Authority, the petitioner herein.

4. On this day, when the matter came up for admission, posed with the question as to whether the Kerala Legal Services Authority can institute a proceedings like the one, namely public interest writ petition, by inviting the objects of the Legal Services Authorities Act, 1987, definition of the words 'court' and 'legal service' as defined in Sections 2(aaa) and 2(c) respectively, and by inviting the further attention of this Court to the functions of the Central Authority interms of Section 4 of the Act, and the functions of the State Authority, in particular Section 7(2)(a), which states that without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the performing functions, namely, a) give legal service to persons who satisfy the criteria laid down under this Act, Mr. Roshen D. Alexander, learned counsel for the Kerala State Legal Services Authority, submitted that when 'legal service' includes the rendering of any service in the context of any case or other legal proceeding before any court or other authority or tribunal, Kerala State Legal Services Authority, constituted under Section 6 of Act 1987, has every right to render legal service, which includes conduct of any case or other proceedings before any court, and thus, the instant public interest writ petition is maintainable.

5. On the merits of this case, Mr. Roshen D. Alexander, learned counsel for the petitioner, invited the attention of this Court to the grievance expressed by the poor and weaker sections of the Society, in the matter of reconstruction of Venthodampadi-Muthanthandu Bridge, connecting Kalikavu and Chokkad Grama Panchayats, respondents 7 and 8 respectively, which bridge was totally destroyed during 2018 floods.

6. Submission has also been made that despite various representations, the authorities have failed to fulfill their legal obligation to provide a safe bridge. According to him, statutory provisions such as 166, 167 and 169 of the Kerala Panchayat Raj Act, 1994, speak about vesting of all public roads in the Village Panchayats, and the duties.

7. We have gone through the averments made in the statement of facts and the supporting documents.

8. We find that there is a genuine cause exposed on behalf of the

needy.

9. Notwithstanding the issue of locus standi raised by this Court, taking note of the averments, documents, the need of the people to have a bridge reconstructed, for connecting two Panchayats as stated supra, we are also of the view that on the basis of the above, even a suo motu writ petition can be instituted by this Court, for response from the Government and others.

10. In such a view of the matter, we direct Mr. K. P. Harish, learned Senior Government Pleader, to take notice on behalf of respondents 1 to 5, and respond to the averments and the prayers sought for.

Notice to the District Panchayat, Malappuram, Kalikavu Grama Panchayat, Malappuram and Chokkad Grama Panchayat, Malappuram, respondents 6 to 8 respectively, by speed post, returnable in three weeks."

12. Later, the Division Bench of this Court has passed order dated 21.11.2022 in this case, which reads as follows:-

"Mr.Ebin Mathew - learned counsel representing Kalikavu Grama Panchayat, Malappuram District, submitted that draft counter affidavit has been sent for execution.

2. Pending disposal of the writ petition, I.A No.1 of 2022 is filed for a direction to respondent Nos.1 to 8 to start the reconstruction of the Venthodampadi – Muthanthandu bridge immediately and to complete it in a time bound manner.

3. I.A No.2 of 2022 has also been filed seeking to accept Exts. P23 to P27 on the files of this writ petition.

4. Having gone through the averments made in the common affidavit and satisfied with the same, we order I.A.No.2 of 2022. Exhibits P23 to P27 filed along with I.A.No.2 of 2022 be taken on record.

5. In so far as the direction prayed for in I.A No.1 of 2022, we deem it fit to consider the same along with the writ petition.

6. Earlier, vide judgment in W.P.© No.30836/2019 dated 13th July, 2020, we directed the respondents therein, in particular, the State Government, to take appropriate action to re-construct and repair the bridge in question therein, as undertaken in the counter affidavit specified, and in the earlier portion of the judgment therein, by allocating sufficient funds.

7. Mr. Roshen D. Alexander – learned counsel for petitioner, submitted that though action was taken, directions contained in W.P.© No.30836/2018 dated 13th July, 2020, was not implemented in its letter and spirit.

8. As regards construction of Venthodampadi – Muthanthandu bridge, which connects Kalikavu and Chokkad Grama Panchayats, the budgetary allocation for the financial year 2020-2021 was Rs.1 Crores and

this financial year the budgetary allocation is 2 Crores. According to him, the budgetary allocation is less and that, there is no progress in the reconstruction of the Venthodampadi – Muthanthandu bridge.

9. This writ petition has been entertained on 11th March, 2022 and the learned Senior Government Pleader was directed to take notice on behalf of respondents 1 to 5, respond to the averments and the prayers sought for. While doing so, we have also taken note of the statutory provisions of section 166, 167 and 169 of the Kerala Panchayat Raj Act, 1994, which speaks about the vesting of all public roads in the Village Panchayats and the duties of the Village Panchayats.

10. Six months have elapsed and that respondents 1 to 5 have not filed their counter affidavits. Earlier, we had also noticed that there is a decision to prepare necessary design and estimate for the construction of the bridge, which has been communicated to the District Panchayat also and that, the same was not acted upon.

11. At this juncture, we are of the view that in the matters of this nature, where Kerala Legal Services Authority has instituted this public interest litigation seeking immediate action on the part of the respondents, respondents are bound to respond to the needs of not only the people but also to the directions of this Court.

12. Mr.K.P.Harish – learned Senior Government Pleader, submitted that within 10 days time, a counter affidavit will be filed on behalf of respondents 1 to 5.

Post on 5.12.2022.”

13. Order dated 07.12.2022, passed by this Court in this case, reads as follows:-

“Pursuant to the directions, respondent No.4 has filed a statement dated 06.12.2022. Relevant portions of the same read thus:

“3. It is submitted that the said Venthodampadi-Muthanthandu foot bridge, which: was connecting Kalikavu Chokkad grama panchayaths, was destructed and washed away in heavy flow of water and debris during the heavy flood of 2018. As mentioned in the petition respondents 7 & 8 are neighbouring panchayaths situated in Vilambur Taluk of Malappuram District which comes under the Karuvarakundu Division of District Panchayath Malappuram. The said Venthodampadi-Muthanthandu was a foot bridge connecting these two panchayaths which was destroyed in the flood 2018 and from that time onwards it causes inconvenience and difficulty to the people of these two panchayaths in traveling for their daily routines, mostly for their agricultural purposes, livelihood, way to offices and educational institutions. Thus the destruction of this footbridge badly affected the day to day life of the people who were relying on the said bridge.

4. It is further submitted that the State Government included

the provision for reconstruction of the said bridge in the budget for the financial year 2020-21, referred as SI.No.854 in page No.50 of Annexure II of Budget for 2020-21 and being the 20%, that is Rs.2000000 (Rupees twenty lakh only) has been allocated to the Local Self Govt. Dept and didn't receive any sanction order from government entrusting the execution of said bridge through LSGD Engineering wing. From the direction of Hon'ble MLA Sri. A.P. Anilkumar of Wandoor LAC. (Ref. Ext.P1) the Kalikavu Grama Panchayath contacted the Principal, Government Engineering College, Kozhikkode to prepare Design and Estimate for the said bridge and in reply, they have informed to submit a preliminary survey report from the LSGD institution. But LSGD Engineering Section have no facility to conduct Survey and Investigation and the concerned panchayath has not allocated fund for this purpose.

5. As pointed out in the petition after the Panchayath board meeting have contacted this office to conduct necessary investigation and prepare Design and Estimate for the above work. (Ref. Ext.P2 and P3). But as performs only as an implementing department LSGD Engineering wing couldn't take necessary action without a specific order from the Government of Kerala. In between provision for the project of construction of Venthodampadi-Muthathandu Bridge across Kalikavu river for Rs.1,00,00,000/- (Rupees one crore only) has been allocated to the Public Works Department, vide SI.No.2533 of Volume 2, Annexure II, provided in the budget estimate of the financial year 2021-22. And in reply to a question raised by the Hon'ble Wandoor MLA Sri Anilkumar A.P., Hon'ble Minister for the LSGD had informed in the Legislative Assembly that the Government will take an appropriate decision regarding the Department through which the above mentioned work is to be implemented.

6. It is submitted that as pointed out in the petition an administrative sanction from authorities concerned is necessary to carry out a project. And which department is to execute the work and from which Head of account the fund may utilized will be clearly mentioned in the Administrative sanction. In this case, Administrative Sanction for the above work is not issued (Ref: Ext.P10). As referred in the petition, Master Ajmal Shah had contacted this office and reply was given to him through e-mail and telephone that the administrative sanction, entrusting the above work to this Department has not yet been received to take an action. As stated in the petition the present situation at the site, where Venthodampadi-Muthanthandu bridge was situated, seems with the photographs are pathetic to the local people living there.

7. In conclusion I may state that if the decision from the Government regarding the administrative sanction, entrusting to this department to execute the said bridge, the Department will perform without delay in all procedures to implement the said project for public interest. I humbly prayed before the Hon'ble High Court of Kerala that the writ may be disposed."

W.P. (C) No.8140 of 2022

11

2. Perusal of the above shows that for the construction of Venthodampadi-Muthathandu Bridge across Kalikavu river, a sum of Rs.1,00,00,000/- has been allocated to the Public Works Department. However, it is further stated that for utilisation of the said amount and execution, administrative sanction is required from the Government.

3. As the fund has already been allocated, Mr. K.P. Harish, learned Senior Government Pleader is directed to get instructions as to when the administrative sanction would be issued. We are of the view that the sanction should be issued as expeditiously as possible.

Post on 14.12.2022."

14. The subsequent order rendered by this Court on 14.12.2022, reads as follows:-

"Pursuant to the order dated 07.12.2022, Sri. K.P. Harish, learned Senior Government Pleader, on instructions from the Executive Engineer, LID & EW Division Division, Malappuram District, for and on behalf of respondent No.4, submitted that administrative sanction is obtained as Project No.88/23 for the construction of 'Venthodampady Moothanthandu Bridge' and the District Panchayat, Malappuram allocated a total amount of Rs.2,00,00,000/- (Rupees Two Crores only) to the said project, which is implemented as a multi year project.

2. It is also submitted that the selection of Project Management Consultancy (PMC) is completed vide tender notice No.DB4/TN/PMC/16/22-23 dated 17.10.2022, and that Steel Industrial Limited., Kerala (SILK) is selected as PMC as per resolution No.3(4) dated 31.10.2022 of District Panchayat, Malappuram. It is further submitted that letter No. DB2-TN/PMC/1622-23(34) dated 11.11.2022 was issued to SILK to submit a detailed estimate, estimated report, site plan, section drawing and allied documents within ten days.

3. The said submission is placed on record. However, it is not clear as to the timeline for the examination of estimate report, site plan etc., finalisation of the same, floating of tender etc. Therefore, the respondents are directed to file a detailed statement as to the timeline for the above said action to commence the construction of Venthodampady Moothanthandu Bridge.

Post the matter after 10 days."

15. Thereafter, yet another order has been passed by this Court on 02.02.2023, which reads as follows:-

"After hearing both sides, it is brought to our notice that in para 3 of the order dated 07/12/2022 passed by this Court in this case, it was ordered that the competent authority of the State Government will immediately furnish instructions to the learned senior Government Pleader as to when the administrative sanction in respect of the proposed

construction of Venthodampadi-Muthathandu Bridge across Kalikavu river in Malappuram district would be issued and that the administrative sanction should be issued as expeditiously as possible.

2. Further, from a reading of para 1 of the subsequent order rendered on 14/12/2022 by this Court in this case, it is seen that it has been informed to this Court by the respondent authorities of the State PWD that administrative sanction has been obtained as project No.88/23 for construction of the above said bridge and that the District Panchayath, Malappuram has been allotted a total amount of ₹2,00,00,000/- (Rupees Two Crores only) to the said project, which is implemented as a multi year project. Further, this Court as per para 3 of the said order dated 14/12/2022 has specifically ordered that the respondents should immediately furnish instructions and should file detailed statement as to the timeline for the action to commence the construction of the abovesaid bridge.

3. We note that such statement or affidavit of the respondents has not been filed in compliance with the order dated 14/12/2022. The learned senior Government Pleader submits that some more time is required and would assure that the requisite statement or affidavit will be filed on behalf of R-4 (the Chief Engineer, Local Self Government) within two weeks. Accordingly, it is ordered that, affidavit on behalf of R-4 (Chief Engineer) on the aforesaid aspect should be filed without fail, well before the next posting.

List on 22/02/2023.”

16. Statement dated 06.12.2022 has been filed by R-4 in compliance with the order passed by this Court on 11.03.2022.

17. Now, Sri. Alex M. Thombra, learned Senior Government Pleader appearing for official respondents 1 to 5, has submitted that affidavit dated 15.02.2023 has been filed in this case, in compliance with the orders passed by this Court on 14.12.2022 and as reiterated on 02.02.2023 and the operative portion of the affidavit dated 15.02.2023 reads as follows:-

“I am Chief Engineer, O/o The Chief Engineer, LSGD (LID&EW), Thiruvananthapuram and the 4th respondent in the above Writ Petition. I am well conversant with the facts of the case as disclosed from the relevant

files. The District Panchayath Malappuram allocated a total amount of 20000000/- (Rupees Two crore only) for the alleged work. Administrative sanction had been obtained as Project No.988/23 for the alleged work Venthodampady Moothanthandu Bridge construction. The project is prepared to be implemented as a multi year Project by the Executive Engineer, LSGD Division, Malappuram District Panchayath and to be executed by Accredited agency as PMC. The selection of PMC (Project Management Consultancy) had been completed vide tender notice no. Dbr/TN/PMC/16/22-23 dated 17.10.2022 and M/s SILK (Steel Industrial Ltd. Kerala) is selected as PMC vide resolution No.3(4) dt 31.10.2022 of District Panchayat Malappuram. The Executive Engineer, LSGD Division, Malappuram District Panchayath had directed M/s SILK to submit the DPR and allied documents vide Ltr. No.DB2-TN/PMC/1622-23(34) dated 11.11.2022. The timeline for the commencement of the construction of the alleged bridge work as submitted by the Executive Engineer, LSGD Division, Malappuram District Panchayath & SILK (PMC) is as detailed below.

1.	submission of estimate	-	13.02.2023
2.	Submission of Technical sanction	-	17.02.2023
3.	Publising of Tender	-	21.02.2023
4.	Tender evaluation of work order issuing	-	10.03.2023
5.	Time of completion of Project – 12 months from the date of signing of Tripartite Agreement that is upto	-	16.03.2024
	Expected date of completion	-	16.03.2024

The alleged work is being implemented by the Executive Engineer, LSGD Division, Malappuram District Panchayath. Hence the Executive Engineer, LSGD Division, Malappuram District Panchayath may also be added as an additiona respondent in the alleged case in order to obtain and execute the plan of action regarding commencing the work timely as directed by the Honourable Court.

What is stated above is true to my knowledge and on information and belief derived from records and/or obtained from the Executive Engineer, Malappuram Division, and I belief the same to be true.

Dated this the 15th day of February 2023.”

18. On the basis of the instructions as well as on the basis of the support of the abovesaid pleadings, the learned Senior Government Pleader has submitted, on behalf of respondents 1 to 5,

that the Executive Engineer, LSGD Division, Malappuram District Panchayat, has directed M/s. SILK to submit the Detailed Project Report (DPR) and allied documents, vide letter dated 11.11.2022 and the timeline for the commencement of the construction of the bridge work, as submitted by the Executive Engineer, LSGD, Malappuram District Panchayat and M/s. SILK (Project Management Consultant-PMC), has also been detailed in the abovesaid affidavit. Further, it is seen from the abovesaid affidavit that the proposed work is to be implemented by the Executive Engineer, LSGD Division, Malappuram District Panchayat, Malappuram District, etc.

19. In the light of these aspects, since the respondent authorities have now agreed for initiating construction of the bridge and has also given a strict time schedule for the same, there is no necessity for us to adjudicate the case on merits.

20. Accordingly, recording the aforesaid submissions of the respondents, more particularly, respondents 1 to 5 & 9, it is ordered that all the respondent authorities concerned, including the 9th respondent-Executive Engineer, LSGD Division, would ensure that the construction of the abovesaid proposed bridge is commenced and completed without any further delay and within the time schedule, as

now undertaken before this Court in the abovesaid affidavit dated 15.02.2023.

21. Sri. Roshen D. Alexander, learned counsel appearing for the petitioner-KELSA, submits that, since the above writ proceedings has been initiated by way of public interest litigation by a statutory authority, like the State Legal Services Authority, this Court may ensure that the compliance of the directions may be duly monitored, by securing the action taken reports of the respondent authorities at the time interval as may be deemed fit and ordered by this Court. We queried to the learned Advocates, appearing for the respondents, as to whether they have any serious objection to the said course of action. None of the respondents have any objection in that regard. Moreover, we are also of the considered opinion that, since the present public interest litigation has been initiated by a highly placed statutory body, constituted in terms of the Legal Services Authorities Act, the abovesaid course of action is all the more justified and warranted. Accordingly, with the consent of both sides, it is ordered that the competent authorities, more particularly R-5 (District Collector Malappuram), R-6 (Malappuram District Panchayat) and R-9 (Executive Engineer, LSGD Division, Malappuram District

W.P. (C) No.8140 of 2022

16

Panchayat, Malappuram District), will file action taken reports in the matter to the learned Senior Government Pleader concerned, and the first such report may be filed after four months from the date of receipt of a copy of this judgment.

22. As and when the above action taken reports are filed by any of those authorities, the Registry will ensure that the matter may be listed before the Division Bench concerned, for perusal of such action taken reports and any further consideration, if required.

With these observations and directions, the above writ petition (civil) will stand disposed of.

Sd/-

**ALEXANDER THOMAS,
JUDGE**

Sd/-

**C.S. SUDHA,
JUDGE**

Skk

W.P. (C) No.8140 of 2022

17

APPENDIX OF WP(C) 8140/2022**PETITIONER'S EXHIBITS:-**

EXHIBIT P1	TRUE COPY OF THE LETTER DTD. 20.01.2021 ISSUED BY MLA, VANDOOR TO THE PRESIDENT OF 7TH RESPONDENT PANCHAYAT.
EXHIBIT P2	TRUE COPY OF DECISION AS AGENDA NO.2/2 DTD. 30.01.2021 TAKEN BY THE 7TH RESPONDENT PANCHAYAT.
EXHIBIT P3	TRUE COPY OF LETTER BEARING NO. A2-119/20-21 DTD. 30.03.2021 ISSUED BY THE SECRETARY OF THE 7TH RESPONDENT PANCHAYAT.
EXHIBIT P4	A TRUE COPY OF THE REPRESENTATION DTD. 14.06.2021 SENT BY A STUDENT OF THE VILLAGE NAMELY AJMAL SHAH P, PALIANKARA HOUSE, VENTHODAMPADI P.O., 676 525
EXHIBIT P5	TRUE COPY OF THE LETTER BEARING NO.309/0S/2021 DTD. 25.06.2021.
EXHIBIT P6	TRUE COPY OF THE LETTER BEARING NO. 309/0S A1/2021 DTD. 01.07.2021.
EXHIBIT P7	TRUE COPY OF THE LETTER BEARING NO.EE/BR/MINISTER COMPLAINT/2021 DTD. 13.08.2021 ISSUED BY THE EXECUTIVE ENGINEER TO THE SUPERINTENDING ENGINEER.
EXHIBIT P8	TRUE COPY OF THE APPLICATION UNDER THE RIGHT TO INFORMATION ACT DTD. 05.08.2021.
EXHIBIT P9	TRUE COPY OF THE REPLY DTD. 24.08.2021 ISSUED BY THE PUBLIC INFORMATION OFFICER, OFFICE OF THE EXECUTIVE ENGINEER, MALAPPURAM.
EXHIBIT P10	TRUE COPY OF THE ANSWER GIVEN BY THE MINISTER TO THE UNSTARRED QUESTION BEARING NO. 346 DTD. 04.08.2021 OF THE SECOND MEETING ON THE 15TH ASSEMBLY AND COMMUNICATED BY THE MLA, VANDOOR TO THE APPLICANT IN EXT.P8.
EXHIBIT P11	TRUE COPY OF THE REPRESENTATION DTD. 30.08.2021 SUBMITTED BEFORE THE MINISTER INCHARGE OF THE MALAPPURAM DISTRICT.

W.P. (C) No.8140 of 2022

18

- EXHIBIT P12 TRUE COPY OF THE REPRESENTATION DTD. 10.09.2021 BEFORE THE HON'BLE CHIEF MINISTER.
- EXHIBIT P13 TRUE COPY OF THE REPRESENTATION DTD. 07.10.2021 SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, MALAPPURAM
- EXHIBIT P14 TRUE COPY OF THE LETTER BEARING NO.PWD-D1/403/2021-PWD DTD. 12.10.2021 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P15 TRUE COPY OF THE LETTER BEARING NO.DA3/134/2021/LSGD DTD. 22.10.2021.
- EXHIBIT P16 TRUE COPY OF THE LETTER DTD. 26.10.2021 TO THE ASSISTANT EXECUTIVE ENGINEER.
- EXHIBIT P17 TRUE COPY OF THE LETTER BEARING NO.G3-1547/2021(2) DTD. 05.11.2021.
- EXHIBIT P18 TRUE COPY OF THE LETTER BEARING NO.EE/BR/D2/COMPLAINT/2021 DTD. 25.11.2021.
- EXHIBIT P19 TRUE COPY OF THE LETTER DTD. 20.10.2021 SUBMITTED BY A STUDENT NAMELY AJMAL SHAH.
- EXHIBIT P20 TRUE PHOTOGRAPH NO.1 SHOWING AN AGRICULTURIST AFTER RUBBER TAPPING, CROSSING THROUGH THE RIVER WHICH WAS TAKEN ON 08.12.2021
- EXHIBIT P21 TRUE PHOTOGRAPH NO.2 SHOWING AN AGRICULTURIST AFTER RUBBER TAPPING, CROSSING THROUGH THE RIVER WHICH WAS TAKEN ON 08.12.2021
- EXHIBIT P22 TRUE COPY OF THE JUDGMENT DTD. 13.07.2020 IN W.P.(C) NO.30836/2019.
- EXHIBIT P23 TRUE COPY OF THE ANSWER GIVEN BY THE MINISTER FOR DEPARTMENT OF LOCAL SELF GOVERNANCE TO THE UNSTARRED QUESTION NO. 4023 DTD. 15.07.2022 OF THE 5TH MEETING IN THE 15TH KERALA LEGISLATIVE ASSEMBLY REGARDING VENTHODAMPADI-MUTHANTHANDU BRIDGE OF VANDOOR CONSTITUENCY.
- EXHIBIT P24 TRUE COPY OF THE PHOTOGRAPH OF THE BRIDGE.

W.P. (C) No.8140 of 2022

19

EXHIBIT P25	THE TRANSLATED COPY OF THE QUESTIONS SUBMITTED BY MR. AJMAL SHAH BEFORE THE STATE PUBLIC INFORMATION OFFICER, ATTACHED TO THE 6TH RESPONDENT AND SUBMITTED ON 22.08.2022.
EXHIBIT P26	TRUE COPY OF THE REPLY UNDER RIGHT TO INFORMATION ACT BEARING NO. G1-2777/22 DTD. 27.08.2022.
EXHIBIT P27	TRUE COPY OF THE EXTRACT OF MINUTES OF THE MEETING WITH AGENDA NO. 1(3) DTD. 27.07.2022 ISSUED UNDER THE RIGHT TO INFORMATION ACT.

RESPONDENTS' EXHIBITS:- NL