



2025:KER:14972

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

THURSDAY, THE 20TH DAY OF FEBRUARY 2025 / 1ST PHALGUNA,

1946

WP(C) NO. 20374 OF 2020

PETITIONER:

SHAJI P.EASO
AGED 57 YEARS
S/O. EASO, PADINJARE MANNIL HOUSE, PANCHALIMURI,
OMALLUR P.O. KOZHENCHERRY , TALUK PATHANAMTHITTA
DISTRICT 689 647.

BY ADVS.
VISHAK.K.JOHNSON
SRI.S.S.ARAVIND
SRI.S.NITHIN (ANCHAL)

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF
PUBLIC WORKS, STATE SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
- 2 THE ASSISTANT ENGINEER,
PUBLIC WORKS DEPARTMENT, PATHANAMTHITTA DISTRICT
689 645.
- 3 THE DISTRICT COLLECTOR,
2ND FLOOR, COLLECTORATE, PATHANAMTHITTA DISTRICT
689 645.
- 4 THE EXECUTIVE ENGINEER,
PWD ROAD DIVISION, PATHANAMTHITTA DISTRICT 689
645.
- 5 THE LAND TAHSILDAR,
PATHANAMTHITTA DISTRICT 689 645.



2025:KER:14912

BY ADV GOVERNMENT PLEADER

OTHER PRESENT:

GP- RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2025:KER:14912

VIJU ABRAHAM, J.**-----
W.P. (C) .No.20374 of 2020
-----****Dated this the 20th day of February, 2025****JUDGMENT**

Petitioner has approached this Court seeking a direction to the respondents to made adequate arrangements in Re-survey Nos.100/3, 100/6 and Tandaper No.5886 of Omallur Village to ensure that waste water is not discharged into the said property.

2. It is averred in the writ petition that the petitioner is aggrieved by the illegal way in which a culvert was constructed that has resulted in flooding of water in the property of the petitioner. Thereupon, Exts.P3 to P7 request was made before the authorities including the 3rd respondent District Collector. This Court by Ext.P9 judgment in WP(C) No.19106 of 2019 directed the 3rd respondent District Collector to take a decision on Ext.P7 request submitted by the petitioner. Later on the District Collector considered the matter and after calling for reports



2025:KER:14972

from the concerned authorities issued an order directing the 2nd respondent to construct a drain so as to prevent flooding of waste water in the property of the petitioner. It is alleging non-compliance of the said direction in Ext.P10 that the present writ petition has been filed.

3. When the matter came up for consideration on an earlier occasion this Court has called for a report from the authorities concerned and a report was filed on 22.01.2022 which brought to the notice of the court that the construction of the proposed drain will be possible only if the land owners other than the petitioner who owns 220 metres of land through which the drain passes are willing to surrender the land or else the authorities will have to follow the due process of law for acquiring the land with the help of the Revenue Authorities. It is also stating in the report that after completion of the acquisition and the tender process in normal circumstances the construction of the drain can be completed within 2 months from the date of handing over the proposed site.



2025:KER:14972

4. The learned Government Pleader has handed over to the court a subsequent instruction received from the PWD authorities dated 16.12.2024 pointing that the Government has awarded an amount of Rs.42.90 lakhs for land acquisition and construction of drain through private property so as to mitigate the grievance raised by the petitioner, but later on it was found that even if the drain is constructed through private property there is possibility of blockage of drain and hence the proposal was found to be not feasible. The existing 30 metre drain on the left side of Omalloor-Thazhoorkadavu via Panniyali Road between Chainage 0/060 to 0/090 collects water from the road and nearby area, flowing from Omalloor to Tazhoorkadavu direction and enters the petitioner's property through a pipe culvert. To redress this issue, the outlet of the drain needs to be relocated, for which a new drain is proposed connecting to a culvert on NH 183A. Hence a construction of drain through PWD road and NH, without land acquisition is proposed. Nomenclature



2025:KER:14972

change from the Government is required for deleting the word "Land acquisition" from the name of work and a proposal in this regard is submitted to Government vide letter No.CEPWD/16143/2024-DB3(PL)-RD dated 26.09.2024.

5. Taking into consideration the above facts and circumstances, I am inclined to dispose of the writ petition as follows:

The 1st respondent Government shall take a final decision on the proposal dated 26.9.2024 submitted by the PWD authorities for nomenclature change in the order from the Government for deleting the word "Land Acquisition" from the name of work and give necessary sanction for the same within an outer limit of one month. After sanction is obtained, necessary steps shall be taken by the PWD authority for tendering the work without any delay and to complete the work as submitted to this Court as per instruction dated 06.12.2024 and take all earnest steps to complete the work without any delay, at any rate, within an outer limit of 8 months after the sanction of nomenclature change granted by the



2025:KER:14912

Government.

The writ petition is disposed of
accordingly.

Sd/-
VIJU ABRAHAM, JUDGE

pm



2025:KER:14972

APPENDIX OF WP(C) 20374/2020

PETITIONER'S EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE FIELD SKETCH OF OMALLUR VILLAGE.
- EXHIBIT P2 TRUE COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY OF THE PETITIONER AND THE CULVERT.
- EXHIBIT P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, PATHANAMTHITTA.
- EXHIBIT P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE ASSISTANT ENGINEER, PWD, PATHANAMTHITTA DATED 11/6/2019.
- EXHIBIT P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE EXECUTIVE ENGINEER, PWD ROADS DIVISION DATED 11/6/2019.
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE LAND TAHSILDAR, PATHANAMTHITTA.
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, PATHANAMTHITTA DATED 20/06/2019.
- EXHIBIT P8 TRUE COPY OF THE BASIC TAX RECEIPT.
- EXHIBIT P9 TRUE COPY OF THE JUDGMENT IN WPC NO. 19106/2019 DATED 12/7/2019.
- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 27/12/2019.