

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 16th day of October 2024 / 24th Aswina, 1946
WP(C) NO. 22750 OF 2018

PETITIONER:

ST. STEPHEN'S MALANKARA CATHOLIC CHURCH, KATTANAM VILLAGE,
BHARANICKAVU, ALAPPUZHA, REPRESENTED BY ITS TRUSTEE SILVY GEORGE,
AGED 48 YEARS, S/O GEORGE, MANKAVIL, KATTANAM VILLAGE, BHARANICKAVU,
ALAPPUZHA.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, PUBLIC WORKS
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. AND
23 OTHERS

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 5th and 6th respondents to forthwith consider and pass orders on Exhibits P6 and P3 representations, pending the final disposal of this writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 09.10.2024 and upon hearing the arguments of M/S GEORGE VARGHESE(PERUMPALLIKUTTIYIL), A.R.DILEEP, P.J.JOE PAUL, MANU SEBASTIAN and RAJAN G. GEORGE, Advocates for the petitioner, SRI ASHOK M. CHERIAN, ADDITIONAL ADVOCATE GENERAL & SHYAMPRAKASH for R1 to R6, GOVERNMENT PLEADER for R9 & R17, SRI.VINCENT JOSEPH, Advocate for R1 and R8, SRI. LAL K. JOSEPH, STANDING COUNSEL for R10, M/S. BABU KARUKAPADATH & C.N PRABHAKARAN, (STANDING COUNSELS) & SMT.MINI, Advocate for Addl.R11, SRI.SUMAN CHAKRAVARTHY, STANDING COUNSEL FOR Addl.R12, SRI.M.K.CHANDRA MOHAN DAS, STANDING COUNSEL for Addl. R13, SRI.K.K.CHANDRAN PILLAI, Senior Advocate along with M/s. S.AMBILY, NAMITHA NAMBIAR, SAJI THOMAS, VANIAH MARIA DOMINIC, M. MEENA JOHN and ISSAC M PERUMPILLIL, Advocates for Addl. R14, SRI. SANTHOSH P.PODUVAL, STANDING COUNSEL for Addl. R15, M/s. BINDUMOL JOSEPH, B.S.SYAMANTHAK and ANJU ANILKUMAR, STANDING COUNSEL for Addl. R16, SRI. PREM CHAND R. NAIR, Advocate for Addl. R18, SRI. DEEPU LAL MOHAN, STANDING COUNSEL for Addl. R19, M/S. KODOTH SREEDHARAN & DEEPU LAL MOHAN for Addl. R20, DEPUTY SOLICITOR GENERAL OF INDIA & BIDAN CHANDRAN, STANDING COUNSEL FOR ADDL.R21, SRI. SYAM PRASANTH, GOVERNMENT PLEADER FOR R22 TO R24 and of SRI. HARISH VASUDEVAN, AMICUS CURIAE, the court passed the following:

DEVAN RAMACHANDRAN

**W.P.(C)Nos.22750 of 2018, 25784 of 2018,
42574 of 2018, 27642 of 2021 & 42160 of 2022**

Dated this the 16th day of October, 2024

O R D E R

Devan Ramachandran, J.

Smt.Mini, appearing for the Corporation of Kochi, says that the illegal boards noticed by the learned Amicus Curiae have been removed; and that the name of the advertisement agency has been asked to be collected by the Police by the Secretary of Corporation of Cochin. She offers to produce the same on record.

2. As far as the Trivandrum Corporation is concerned, Sri.Suman Chakaravarthy says that all actions have been completed and that most of the boards have been removed, with fines requisitioned to Rs.8 Lakhs or so. He offered to file a statement on record.

3. Sri.Hareesh Vasudevan, learned Amicus Curiae, however, submitted that most illegal boards/flags on the streets are put up by political parties, or by powerful entities like religious groups etc., and by Governmental Agencies. He submitted that even in Kochi, the authorities are unwilling to act against such boards/banners/hoardings/flags.



4. Learned Government Pleader - Sri.Shyam Prasanth, in response, submitted that the Government is promoting the principles of 'Suchitwa Mission' and 'Nava Kerala'; and that it is for the Local Self Government Institutions to ensure that the orders of this Court, as also that of the Government, are fully implemented.

5. Though the Government Pleader says as afore, it is without doubt that the illegal boards and flags we see on the streets, obstructing public movement and even creating safety issues, are vestigial habits of the past of more than two decades. Evenafter this Court has passed many orders and when the Government also says that they are committed to implement them, the factum of boards/flags still being installed, without being removed and necessary action taken, certainly leads to a legitimate question how this aligns with the ideals of "Nava Kerala" that the Government is stated to be pursuing. Respect for law, is the most important aspect of democracy; and effective implementation of judicial orders is one without which it cannot survive. When the Government unequivocally affirms the ideals of 'Nava Kerala', it must ensure that law is enforced, whatever be the might or power of the perpetrators.

6. The learned Government Pleader, Sri. T. Syam Prasanth, argued with the above view of this Court; and sought time to answer the concerns. He then added that an order has been issued on 16.10.2024, disclosing the names of

the Joint Directors - who are the Nodal officers - to comply with the directions of this Court.

7. I, therefore, direct the learned Government Pleader to place the said order on record; with a consequential direction to the competent authority of the Government to ensure that these numbers are sufficiently advertised in the online platforms, including in the Governance pages.

A compliance report on all aspects in this order shall be made available by the next posting date.



sd/-
DEVAN RAMACHANDRAN
JUDGE

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