



## GOVERNMENT OF KERALA

### Abstract

Public Works Department- Judgment of Hon'ble High Court in WP(C)No.20965 of 2020 filed by Smt. Safeena K and Others- Complied with - Orders issued

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### **PUBLIC WORKS [D]DEPARTMENT**

G.O.(Rt)No.906/2024/PWD Dated,Thiruvananthapuram, 03-09-2024

Read 1 Judgement dated 26.03.2024 in WP(C)No.20965 of 2020 filed by Smt. Safeena K and others.

2 Representation received from Smt. K Safeena and others dated 03.05.2024.

### ORDER

The Hon'ble High court has disposed WP(C)No.20965 of 2020 as per the judgment read as 1st above , with a direction to 1<sup>st</sup> respondent ie. Secretary, Public Works Department " to consider and pass appropriate orders in Ext.P13, after affording an opportunity of hearing to the petitioners, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment and the petitioners shall produce a certified copy of this judgment along with a copy of this writ petition with exhibits before the 1<sup>st</sup> respondent for compliance". Ext P13 is the petition submitted by the Smt K Safeena requesting to revise the alignment in such a way that the construction of the flyover should take place equally from both sides.

2. The representation read as 2nd above , the petitioner, Smt K

Safeena and Others contain the request to comply with the judgment. As per the direction of the Hon'ble Court, the petitioners were requested to attend a hearing. But Smt Safeena. K only attended the hearing conducted by the Joint Secretary, Public Works Department on 04.07.2024. Sri. Jithin A. Saikrishna, Project Engineer was also present for the hearing to explain the part of RBDCK.

3. In the hearing, Smt Safeena .K complained that the construction of the bridge is not parallel to the existing road. The proposed bridge only harms the residents on the north side of the road and protects those on the south side. If the flyover is constructed parallel to the road, the bridge can be built without acquiring land from the public and revenue loss can be avoided.

4. Sri. Jithin A. Saikrishna, Project Engineer informed that in the initial stage the alignment of ROB followed the existing road as closely as possible, maintaining a maximum skew angle of 22 degrees in accordance with the railway standards. On maintaining the skew angle as per the RDSO standard, the alignment near to level crossing has shifted toward the south on west side and toward the north on east side. The residents of Kaniyapuram filed 2 petitions WP (C) 1469/2019 and 1238/2019 in the Hon'ble High Court of Kerala in which the petitioner's prayer was to change the alignment of the ROB parallel to the existing road. Following the final orders of the Hon'ble High Court of Kerala, the Secretary, PWD heard the petitioners and RBDCK, subsequently issued orders G.O (Rt) No. 1059/2019/PWD dated 27.08.2019 and G.O (Rt) No. 889/2019/PWD dated 17.07.2019, instructing RBDCK to explore with Railways the possibility of increasing the skew angle to maximize the utilization of the existing road. The Chief Engineer (Construction) Southern Railways, informed that, as per the Railway Board's instruction,

RDSO superstructure drawings must be followed, and skew angles above 20 degrees are not permitted.

5. Later, Smt. Safeena K. and Smt. Jasmine M. submitted petitions before the Principal Secretary, PWD, requesting that the alignment having a skew angle of 33 degree be allowed. The Principal Secretary considered their petitions and rejected their request stating that, the railways do not permit skew angle above 20 degree vide letter dated 18.11.2019. Smt. Safeena K. and Smt. Jasmine M. submitted petitions before the Principal Secretary, PWD, requesting that the alignment having a skew angle of 33 degree be allowed. Again, Smt. Safeena K and two others filed yet another writ petition bearing No. WP (C) 20965/2020 before Hon'ble High Court of Kerala, seeking to quash the order of Principal Secretary. As per the judgment dated 26.03.2024, the Hon'ble High Court has disposed the WP(C) directing the first respondent, Principal Secretary, PWD to consider and pass appropriate orders on the Exhibit P13 application submitted by the petitioners, after affording them an opportunity of being heard.

6. During the hearing, the Project Engineer informed that Railway has modified the guidelines for RoBs and as per their latest communication a fresh GAD with a substructure skew of 30 degrees as per the revised RDSO specifications and , the modified GAD for the ROB in lieu of LC No. 573, incorporating all observations, has been prepared and submitted to the railway for approval. He presented the revised GAD submitted to the Railways in front of the petitioner and also informed that the revised alignment and GAD satisfy the demands of the petitioners, as the alignment is entirely along the existing road and has a skew angle of 30 degree.

7. The petitioner, Smt. Safeena .K agreed with the GAD. She has not raised any objection regarding the new GAD. They informed that they are satisfied with the revised alignment and the present one do not harm their habitat. The petitioner has got an agreeable solution to their issue and no further intervention from Government is needed and hence the Judgment dated 26.03.2024 in WP(C)No.20965 of 2020 filed by Smt. Safeena K and others is thus complied with.

(By order of the Governor)  
SREEDEVI E S  
JOINT SECRETARY

To:

The Advocate General, Ernakulam (with C/L)

Smt. Safeena K, Punnakadayil, Kaniyapuram, Tvpm- 695301

Sri Manoharan S, Manakkattu vilakathu veedu, Thekkevilamuri,  
Pallippuram, Tvm- 695316

Sri. Abdul Wahid, Thunduvila veetil, Pallippuram village, Tvm-695316  
The Managing Director, RBDCK.

The Principal Accountant General (Aud/A&E), Kerala, Tvpm.

Information Officer (Web&New Media)

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Forwarded /By order

Section Officer