

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,  
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,  
Hon'ble Chairperson**

Dated this the 11th March, 2009.

H.R.M.P.No.507/2008

Petitioner : S.K.Jayakumar,  
Secretary, Federation of Residents  
Association Neyyattinkara,  
Neyyattinkara.P.O 695 121.

Respondent :

**ORDER**

The complaint of the petitioner is that the road between the area from Over- Bridge and Thampanoor is totally damaged during the demolition of the buildings after the acquisition and the slabs in the area are also damaged causing difficulties to the passengers and the pedestrians and the authorities are not taking any action to solve the problem.

Reports were called for from the District Collector, Thiruvananthapuram, Secretary to Government, Public Works Department, Thiruvananthapuram and Secretary, Thiruvananthapuram Corporation.

In the report submitted by the Secretary to Government, Public Works Department, Thiruvananthapuram, it is stated that the road in question is the road which is included in the 'Trivandrum City Road Development Scheme' which is taken over by the Kerala Road Fund Board and the said scheme comprises the developmental and renovation work of 42 k.m of roads and footpaths and at present the work with regard to the acquisition of required land and removal of

hindrances there are progressing. According to the report, the allegation mentioned in the petition is only the temporary disturbances caused while the above works are being carried out. In the report it is also stated that the maintenance of these roads and construction of new footpaths and drainages will be commenced shortly and a contract was signed on 4-1-2008 to that effect and the work will be completed at the earliest by providing footpaths on each side of the roads to international standards. The report concludes by stating that the present inconveniences may be treated as temporary disturbances.

In the report submitted by the Secretary, Thiruvananthapuram Corporation, it is stated that the road in question is under the jurisdiction of Public Works Department, Roads Division and hence the developmental/expansion works also should be done by the PWD.

The Project Engineer, Kerala Road Fund Board has also submitted a report in which it is stated that the footpath damaged on account of the demolition of the buildings acquired from Over-Bridge to Thampanor has been repaired and the PWD has carried out the clearing of the side drain and readjustments of covering slabs and that the remaining work of providing new slabs to the open drain was carried out by the National Highways wing of the PWD and at present the pedestrians are using the footpath without any difficulty. According to the report, under the Thiruvananthapuram City Road Improvement Project (T C R I P), the foot path in this road is proposed to be reconstructed and paved with designer paving tiles and once this is completed the level differences in covering slabs and the topsy-turvy profile will disappear and the footpath will be beautiful,

convenient and comfortable for the use of pedestrians. In the report it is further stated that unfortunately the second phase works of the T C R I P have not started even now by the Trivandrum Road Development Company Ltd and the construction contractors Punj-Lloyd, and they are expected to resume the work from the first week of August 2008.

The report of the Secretary to Govt., PWD shows that a contract was signed on 4-1-2008 for commencing the work and assures that the work will be completed at the earliest but no time frame is mentioned as to when the work will be completed for enabling the use of the road and footpath by the public. The report of the Secretary, Thiruvananthapuram Corporation mentions that the road in question is under the jurisdiction of the PWD, Roads Division and hence they were addressed in the matter. The report of the Project Engineer, Kerala Road Fund Board shows that the Trivandrum Road Development Company and the contractors have not started the second phase of the work.

Since the District Collector has not submitted the required report in spite of several reminders I feel that he has nothing to offer in the matter and the allegations in the HRMP are true. I feel that the maintenance of public roads and footpaths, for the use of the people, is the responsibility of the authorities concerned and they cannot escape from their responsibility by each blaming the other agency. Though in the report, the Secretary, Thiruvananthapuram Corporation, says that the road in question is under the control of the PWD, Roads Division, the Secretary cannot keep silent waiting for the action of the PWD. It is for him to approach the PWD and impress upon them about the urgency to carry

out the necessary repairs/renovation of the roads and footpaths falling within the Corporation area and like wise the PWD has a responsibility to see that the agencies under whom the above works are entrusted complete their work in time without any laxity on their part.

In the above circumstances, I direct the Secretary to Government, PWD, Thiruvananthapuram, and the Secretary, Thiruvananthapuram Corporation to see that adequate repairs/renovation works are carried out on the road from Over-Bridge to Thampanoor as well as its footpath enabling its use by the public comfortably. I also direct the Project Engineer, Kerala Road Fund Board, Thiruvananthapuram, to take urgent action to carry out the rectification/renovation work of the roads and footpaths between Over Bridge to Thampanoor considering the heavy traffic in the area and particularly in view of the fact that the damaged slabs over the drainages are causing danger to the life of the people.

With the above direction the petition is closed. Send a copy of this order to the petitioner, Secretary to Government, PWD, Roads Division, Thiruvananthapuram, Secretary, Thiruvananthapuram Corporation and the Project Engineer, Kerala Road Fund Board, Kowdiar, Thiruvananthapuram.

Justice N.Dhinakar,  
Chairperson