

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

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

Dated this the 15th October, 2009.

- 1) H.R.M.P.No.739/2009
- 2) H.R.M.P.No. 740/2009 and
- 3) H.R.M.P.No.3539/2009.

Petitioner : P.Sundareswaran,
Kottoorathil,
Kulasekharamangalam,
Vaikom,

Respondent :. Mohanan, S/o Raghavan,
Kulamathseril, Kulasekharamangalam,
Vaikom, Kottayam- 686 608

COMMON ORDER

The averments in the H R M P No.739/09 which is only a copy of a petition addressed to the Circle Inspector of Police, Vaikom, is that a sum of Rs.4.00 lakhs was spent by the petitioner and other local people for laying a road from Chalunkadavu to Ethipuzha and that Mohanan, S/o Raghavan (respondent) by erecting concrete post has created a situation by which vehicles are prevented from passing through the said road.

A member of this Commission took the complaint on file and a report was called for from the Circle Inspector (C I) of Police, Vaikom. H R M P No.740/09 is filed by the petitioner with the same complaint on the same subject matter with an addition of some complaint against private individuals. Thereafter the petitioner sent a letter in which he has expressed his grievance that though the C I of Police, Viakom, visited the spot in

question nothing is heard from him and the office probably by oversight numbered that also as an H.R.M.P (HRMP No.3539/2009).

The report from the C I of Police, Vaikom is received and the following common order is passed.

It is seen from the report sent by the C I of Police, Vaikom, that initially the road was laid by the petitioner and others and later the Block Panchayat and the Grama Panchayat widened the road for which a sum of Rs.50,000/- was sanctioned from the MLA Fund and that cars and small tipper lorries are now passing through the road. It is also stated in the report that the petitioner filed a petition against the respondent Mohanan on 19-1-2009 at Vaikom Police Station alleging that the respondent is putting stumps on the road which is hampering free flow of the vehicles. According to the report, thereafter the C I visited the spot and conducted enquiry and that there is no problem in the place.

Along with the report the statement of the petitioner is annexed in which it is stated that the C I, Vaikom, directed to remove the said stumps erected and accordingly stumps were shifted to another place adjacent to the place where they were erected earlier and cars and other small vehicles can pass through the said road. The petitioner in his statement has requested to take steps to see that the road can be made use by heavy vehicles.

The complaint and the report therefore show that the said road which was earlier laid by the petitioner and local people was widened by the Block Panchayat and the Grama Panchayat and later there could not be a free flow of vehicles on the said road on account of erection of stumps by an individual which was later shifted on the direction of the C i of Police, Vaikom, who acted on the complaint of the petitioner. The statement of

the petitioner annexed to the report also shows that the vehicles are now passing except heavy vehicles. It is therefore clear that the stumps, which were erected earlier, were shifted adjacent to a place where they were earlier erected and heavy vehicles could not pass through the said road. It is not known whether the heavy vehicles are not passing through this road on account of the stumps where they were erected now. If the stumps are erected at that place after they were shifting and if the said stumps are an hindrance to the free flow of vehicles including heavy vehicles then it is for the concerned Panchayat to take steps to see that the said road is not obstructed in any way for the free flow of traffic and I accordingly direct the Panchayat to take steps in the matter by visiting the spot and conducting an enquiry during which the petitioner and others who are necessary for the said enquiry will be given an opportunity and thereafter initiate appropriate steps by passing appropriate orders.

Send a copy of this order to the petitioner who will then file a petition before the concerned Panchayat for taking action on the directions in this order.

The petitions are accordingly closed.

Justice N.Dhinakar
Chairperson.