

DEVAN RAMACHANDRAN, J.

=====

W.P.(C) No.10221 of 2021

=====

Dated this the 8th day of October, 2021

ORDER

This is a rather unusual situation where this Court has listed this matter even after final judgment has been delivered.

2. I am constrained to consider this matter again because of a horrific accident which has been reported on 06.10.2021, while the work, as ordered by this Court, with respect to the 'Seena Thodu' was being carried on by the Corporation of Kochi.

3. Preliminary reports regarding the accident show that one person died in the accident, while two others went through excruciating pain for hours on end. The newspaper reports and the photographs would pierce the heart of any right thinking person; and this Court is more concerned because the work is being done as per the

directions issued in the judgment.

4. Though I do not propose to say anything recriminatorily against any of the stakeholders at this time, *prima facie*, a suspicion of lack of proper supervision would certainly come into the fore. In fact, Sri.Rajesh Subramaniam, learned counsel appearing for respondent No.7 - in front of whose property the accident occurred - affirms that had proper care been taken, the accident could have been easily avoided. In fact, he says that such accidents are waiting to happen for the same reason and, therefore, pleaded that this Court to step in and issue necessary directions.

5. Sri.K.Janardhana Shenoy - learned Standing Counsel appearing for the

Corporation of Kochi and Smt.K.Amminikutty - learned Senior Government Pleader appearing for the District Collector - who is also the head of the District Disaster Management Authority, submitted that necessary enquiries are being now caused and that apposite reports will be filed before this Court.

6. That said, at the present time, this Court is more concerned about the health and care of the persons who have survived the accident and that all support be offered to the family of the person who has unfortunately succumbed.

7. I am aware that there are Statutory provisions which would cover the field, but since the workers are not from Kerala, it is possible that they may not

obtain necessary advise and support, which they would normally be deserving.

8. I, therefore, direct the Secretary of the District Legal Services Authority (DLSA), Ernakulam, to enquire into the incident, particularly from the angle of the workers involved and to ensure that they get all the support and guidance with respect to the way forward.

9. I record that Sri.Santhosh Mathew - learned counsel appearing for the DLSA, submits that apposite action has already been initiated, noticing the various newspaper reports.

10. Since, information before this Court is even now hazy as to where the survivors are - though Sri.Lal George,

learned counsel for the petitioners, submitted that one of them in the District Hospital, Ernakulam - I direct the District Collector and the Corporation of Kochi to immediately ascertain the hospitals in to which the survivors have been admitted and make sure that they are given the best medical help and facilities as are possible.

11. The Superintendents of the hospitals to which the survivors are admitted, are hereby directed to ensure that the best team of doctors and nursing staff are made available to them, so as to bring them back into normal life, as far as is possible.

12. *Quoad hoc* the work on the 'Seena Thodu', I direct the Corporation of Kochi

to ensure that same is now taken forward only with competent and necessary supervision, particularly from the angle of engineering, so as to avoid any such accidents in future.

List this matter for further consideration on 20.10.2021.

sd/-
DEVAN RAMACHANDRAN
JUDGE

akv