



2026:KER:29734

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

WEDNESDAY, THE 1ST DAY OF APRIL 2026 / 11TH CHAITHRA, 1948

WA NO. 839 OF 2026

AGAINST THE ORDER DATED IN WP(C) NO.6851 OF 2026 OF HIGH

COURT OF KERALA

APPELLANTS:

- 1 GOSHREE ISLANDS DEVELOPMENT AUTHORITY (GIDA)
REPRESENTED BY ITS SECRETARY, PARK AVENUE, KOCHI,
KERALA, PIN - 682011
- 2 THE SECRETARY
GOSHREE ISLANDS DEVELOPMENT AUTHORITY (GIDA), PARK
AVENUE, KOCHI, KERALA, PIN - 682011

BY ADV SRI.VARGHESE K.PAUL

RESPONDENTS:

- 1 TRITVAM APARTMENT OWNERS ASSOCIATION (TAOA)
(REG.NO.EKM/TC/263/2024) GOSHREE-PANCHALAM LINK
ROAD, MARINE DRIVE, KOCHI, REPRESENTED BY ITS
SECRETARY, ASHRAF, PIN - 682018
- 2 KISHORE VISWANATHAN
AGED 64 YEARS, THE PRESIDENT OF TRITVAM APARTMENT
OWNERS ASSOCIATION (TAOA) (REG. NO.
EKM/TC/263/2024) GOSHREE-PANCHALAM LINK ROAD,
MARINE DRIVE, KOCHI, PIN - 682018



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- 3 THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD,
ERNAKULAM, PIN - 682030
- 4 KOCHI MUNICIPAL CORPORATION
REPRESENTED BY ITS SECRETARY, PARK AVENUE,
KOCHI, KERALA, PIN - 682011
- 5 THE SECRETARY
KOCHI MUNICIPAL CORPORATION PARK AVENUE,
KOCHI, KERALA, PIN - 682011
- 6 THE MAYOR
KOCHI MUNICIPAL CORPORATION, PARK AVENUE,
KOCHI, KERALA, PIN - 682011
- 7 COCHIN SMART MISSION LIMITED (CSML)
REPRESENTED BY ITS MANAGING DIRECTOR, 4TH
FLOOR, JAWAHARLAL NEHRU STADIUM, METRO
STATION, KALOOR, KOCHI, PIN - 682017
- 8 THE MANAGING DIRECTOR
COCHIN SMART MISSION LIMITED (CSML) 4TH FLOOR,
JAWAHARLAL NEHRU STADIUM, METRO STATION,
KALOOR, KOCHI, PIN - 682017
- 9 ADDL.R9: STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE
GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
ADDL.R9 IS IMPEADED AS PER ORDER DATED
24.03.2026 IN I.A. 1/2026 IN WP(C) 6851/2026.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
01.04.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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SATHISH NINAN & P. KRISHNA KUMAR, JJ.

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Dated this the 1st day of April, 2026

JUDGMENT

Sathish Ninan, J.

Respondents 2 and 3 in the writ petition are in appeal challenging the interim order granted in the writ petition, restraining construction or installation of any kiosks on the Queen's Walkway in front of the Tritvam Apartment Complex and on the Goshree Chathiyath Road.

2. We have heard Sri.George Poonthottam, the learned Senior Counsel on behalf of the appellants and Shri.S. Muhammed Haneeff, the learned counsel on behalf of respondents 1 and 2.

3. According to the learned Senior Counsel, the place where the kiosks are sought to be put up, belongs to the appellants. The kiosks are not being constructed on the



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footpath, but on the duct space adjacent to the walkway. The writ petitioners do not claim any right over the property in question and the writ petition is essentially in the nature of Public Interest Litigation. The appellants have entered into contract with a third party for the construction of kiosks. The period of the contract commences from this date, i.e., on 01.04.2026, and there would be resultant damages consequent on any delay at the hands of the appellants not securing the site to the contractor. Hence, the appellants seek interference with the order.

4. It is pointed out by the respondents that the writ petition was listed yesterday (31.03.2026) and was heard for some time. It stands adjourned for further consideration to 07.04.2026. The learned senior counsel would submit that, taking advantage of the interim order and in an attempt to protract the proceedings, the writ petitioners have, in the Writ Petition, now filed an application seeking appointment of an Advocate Commissioner, thus prompting this appeal.



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5. The very question as to whether the impugned interim order granted at the time of admission needs to be modified, vacated or confirmed is under consideration by the learned Single Judge. The next four days, i.e., 02.04.2026 and 03.04.2026, are holidays. The impugned order was passed on 24.02.2026. It is not proper for this Court to entertain the writ appeal at this stage. Whether pending consideration of the commission application, the question of modification could be considered, are all matters to be urged before the learned single judge.

Resultantly, leaving open the rival contentions, the Writ Appeal is dismissed.

Sd/-

**SATHISH NINAN
JUDGE**

Sd/-

**P. KRISHNA KUMAR
JUDGE**

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