

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**  
**PRESENT**  
**THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**  
**Friday, the 31<sup>st</sup> day of July 2026 / 9th Sravana, 1948**  
**WP(C) NO. 32680 OF 2008**

**PETITIONER:**

1. C.P.AJITHKUMAR AGED 41 YEARS PROPRIETOR, SUBURBAN TRAVELS, MAMANGALAM, COCHIN-24, (PRESIDENT, TRAVEL, OPERATORS ASSOCIATION OF KERALA).
2. KERALA MERCHANTS UNION (FORMERLY ERNAKULAM MERCHANTS UNION), MERCHANTS UNION BUILDING, MERCHANTS UNION ROAD, COCHIN-11, REPRESENTED BY ITS GENERAL SECRETARY.

BY ADVOCATE SRI. TOM K. THOMAS

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, PUBLIC WORKS DEPARTMENT, (ROADS), GOVT.SECRETARIAT, TRIVANDRUM.
2. THE SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM.
3. THE CHIEF ENGINEER, PUBLIC WORKS DEPARTMENT (ROADS), TRIVANDRUM.
4. CORPORATION OF COCHIN, REPRESENTED BY ITS SECRETARY, BOAT JETTY, ERNAKULAM.
5. GREATER COCHIN DEVELOPMENT AUTHORITY, KADAVANTHARA, ERNAKULAM, COCHIN-20, REPRESENTED BY ITS SECRETARY.
6. ADDL.R6.THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033.
7. ADDL.R7.THE REGIONAL OFFICER, NATIONAL HIGHWAY AUTHORITY OF INDIA, OFFICE OF THE CHIEF ENGINEER, (NATIONAL HIGHWAYS), TRIVANDRUM-695033.(ADDL. R6 AND R7 ARE IMPEADED AS PER ORDER DATED 28.11.2008 IN IA.15338/2008).
8. ADDL.R8.THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT COCHIN, NATIONAL HIGHWAY AUTHORITY OF INDIA, MANGALYA VAIDHYA MADOM, VYILA, ERNAKULAM.
9. ADDL.R9.THE PROJECT DIRECTOR, PROJECT IMPLEMENTATION UNIT PALAKKAD, NATIONAL HIGHWAY AUTHORITY OF INDIA, ARMUGHAM COLONY, CHANDRA NAGAR, PALAKKAD.(ADDL.R8 AND R9 ARE IMPEADED AS PER ORDER DATED 17.12.2008 IN .I.A.16206/2008.)
10. ADDL.R10.UNION OF INDIA, REP. BY SECRETARY TO GOVERNMENT, MINISTRY OF SURFACE TRANSPORT, CENTRAL SECRETARIAT, NEW DELHI.(ADDL.R10 IS IMPEADED AS PER ORDER 30.03.2009 DATED IN I.A.4647/2009.)
11. ADDL.R11.CENTRE FOR CONSUMER EDUCATION, MARKET ROAD, PALAI, REPRESENTED BY ITS MANAGING TRUSTEE DEJO KAPPAN, AGED 54, S/O.LATE K.C.JOSEPH, RESIDING AT 17 A, PRESIDENCY HOMES, KALOOR, ERNAKULAM. (ADDL.R11 IS IMPEADED AS PER ORDER 12.10.2011 DATED IN IA.15616/2011.)
12. ADDL.R12. KERALA GOVERNMENT CONTRACTORS ASSOCIATION, HEAD OFFICE SREEKUMAR BUILDING, IRON BRIDGES.P.O., ALAPPUZHA-688001, REPRESENTED BY ITS PRESIDENT VARGHESE KANNAMPALLY

13. ADDL.R13.P.R.ASHOKUMAR, RAMAPRIYA, PARAYAKADU.P.O., CHERTHALA, ALAPPUZHA DISTRICT-688001. (ADDL.R12 AND R13 ARE IMPEADED AS PER ORDER DATED 18.10.2011 IN I.A.15475/2011.)
14. ADDL.R14.THE DISTRICT COLLECTOR, ERNAKULAM. (ADDL.R14 IS SUO MOTU IMPEADED AS PER ORDER DATED 11.10.2019 IN WPC.) (ADDL.R12 AND R13 ARE IMPEADED AS PER ORDER DATED 18.10.2011 IN I.A.15475/2011.)
15. ADDL R15 THE PROJECT DIRECTOR, NATIONAL HIGHWAY AUTHORITY OF INDIA, ERNAKULAM IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER DATED 17.12.2021 IN WP(C) 32680/2008. (ADDL.R14 IS SUO MOTU IMPEADED AS PER ORDER DATED 11.10.2019 IN WPC.)
16. ADDL.R16. THE COMMISSIONER OF POLICE, KOCHI. ( IS SUO MOTU IMPEADED AS ADDL.R16 AS PER ORDER DATED 14-01-2022 IN WP(C) 32680/2008).
17. R17.COCHIN SMART MISSION LIMITED, 4TH FLOOR, JLN STADIUM METRO STATION, KALOOR, KOCHI- 682017 (IS SUO MOTU IMPEADED AS ADDITIONAL R17 AS PER ORDER DATED 01.08.2022 IN WP(C) 32680/2008.)
18. ADDL. R18. REGIONAL OFFICER, NHAI, THIRUVANANTHAPURAM IS SUO MOTU IMPEADED AS ADDITIONAL R18 AS PER ORDER DATED 08/08/2022 IN WP(C) 32680/2008.
19. ADDL. R19. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, 2ND FLOOR, TRANS TOWER, C.V.RAMAN PILLAI ROAD, DPT, VAZHUTHACAUD, THIRUVANANTHAPURAM, KERALA- 695014 IS SUO MOTU IMPEADED AS ADDITIONAL R19 AS PER ORDER DATED 06.10.2022 IN WP(C) 32680/2008. IS SUO MOTU IMPEADED AS ADDITIONAL R18 AS PER ORDER DATED 08/08/2022 IN WP(C) 32680/2008.
20. ADDL. R20. JAMSHEED HAFIZ, S/O. MOOSAKUTTY, AGED 39 YEARS, NEETHINILAYAM, TIRUR, MALAPPURAM DISTRICT, PIN- 676104, PRESENTLY RESIDING AT FLAT NO.B2, FIRST FLOOR, K.N.ARCACADE, PHASE -II, KELAMANGALATH CROSS ROAD, SRM ROAD, ERNAKULAM 18 IS IMPEADED AS ADDL. R20 AS PER ORDER DATED 28.10.2022 IN I.A.2/2022.
21. ADDL.R21. KERALA STATE ELECTRICITY BOARD, REPRESENTED BY THE SECRETARY, VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM 695004 IS SUO MOTU IMPEADED AS ADDL. R21 AS PER ORDER DATED 10.11.2022 IN WP(C) 32680/2008.
22. ADDL.R22: EDRAAC (ERNAKULAM DISTRICT RESIDENTS' ASSOCIATION'S APEX COUNCIL), REG. NO.ER/735/03, CORPORATION SHOPPING COMPLEX, SUBHASH CHANDRA BOSE ROAD JUNCTION, PONNURUNNI, VYTTILA, COCHIN -19.ADDITIONAL R22 IMPEADED AS PER THE ORDER DATED 08.03.2023 IN I.A.1/2023.

BY GOVERNMENT PLEADER FOR R1 TO R3, R14 AND R16.

BY SRI. K ANAND, ADDITIONAL STANDING COUNSEL FOR R4.

BY SRI M K THANKAPPAN, ADVOCATE FOR R5

BY SRI. SEBASTIAN THOMAS, SR. K.V. KURIAKOSE AND SRI. LIJO JOSEPH  
GEORGE ADVOCATES FOR R6 AND R7.

BY SRI. THOMAS ANTONY, ADVOCATE FOR R8 AND R9.

BY SRI. S. KRISHNAMOORTHY, CENTRAL GOVERNMENT COUNSEL, FOR R10.

BY SRI. JOHNSON MANAYANI, ADVOCATE FOR R11.

BY SRI. JOMY GEORGE, ADVOCATE FOR R12 AND R13.

BY SMT. M U VIJAYALAKSHMI, STANDING COUNSEL FOR ADDITIONAL R18(B/O)

BY SRI. BIDAN CHANDRAN, LEJO GEORGE, STANDING COUNSEL FOR ADDL. R18.

BY SRI. RILGIN V GEORGE, ADVOCATE FOR ADDL. R20.

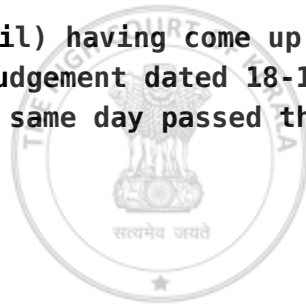
BY SRI. B. ARUNKUMAR, STANDING COUNSEL FOR ADDL. R21.

BY M/S ATUL SOHAN, R. REJI & SREEJA SOHAN.K, ADVOCATES FOR ADDL. R22.

BY STANDING COUNSEL, TRICHUR CORPORATION

BY SRI. P. DEEPAK(SENIOR ADVOCATE), SMT. S. KRISHNA, & SRI. VINOD BHAT, AMICI CURIAE.

This Writ Petition (Civil) having come up for orders on 31.07.2026, upon perusing this court's judgement dated 18-10-2019 and order dated 11.06.2026, the court on the same day passed the following:



**FRIDAY, THE 31<sup>ST</sup> DAY OF JULY 2026**  
**WP(C) No. 32680 of 2008**

**C.P.AJITHKUMAR**

**VS**

**STATE OF KERALA,**

**ADVS FOR PETITIONER/S:**

SRI.TOM K.THOMAS

**ADVS FOR RESPONDENT/S:**

GOVERNMENT PLEADER, SRI.BENHUR JOSEPH MANAYANI, SRI.S.KRISHNAMOORTHY CGC,  
SRI.JOHNSON MANAYANI, SHRI.JOMY GEORGE, SRI.JEEVAN MATHEW MANAYANI,  
SRI.SEBASTIAN THOMAS, SRI.C.M.SURESH BABUSCCOCHIN CORPORATI,  
SRI.M.K.THANKAPPANSCGCDAGREATER COCH, SRI.THOMAS ANTONY, SHRI.LEJO JOSEPH  
GEORGE, SRI. B.ARUNKUMAR, STANDING COUNSEL , SRI.R.REJI, SMT.SREEJA SOHAN  
K., S.KRISHNA (AMICUS CURIAE), S.VINOD BHAT (AMICUS CURIAE), P.DEEPAK  
(AMICUS CURIAE), SRI.K.V.KURIAKOSE, SHRI.LIJO JOSEPH



W.P.(C) Nos.32680 of 2008

2

**DEVAN RAMACHANDRAN, J.**

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W.P.(C) No.32680 of 2008

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Dated this the 31<sup>st</sup> day of July, 2026**ORDER**

The Hon'ble Supreme Court has recently declared that the right to save pedestrian paths and footpaths is a fundamental right.

2. In that context, one wonders whether such rights of the citizens of this city and most of the parts of the State are being protected at all.

3. The learned Amici Curiae – Sri.Vinod Bhat and Smt.S.Krishna, submits that though the condition of the roads in the city has not deteriorated rapidly – perhaps because of some maintenance – the condition of footpaths is nothing to speak of.

4. True, the problem exists and is not restricted to Kochi alone, but throughout the State; but its Corporation cannot remain muted even after the declaration of the Hon'ble Supreme Court.

5. When the rights of the citizens are being disregarded in such manner, it becomes necessary for the Courts, as the vanguard of the liberties of people, to sit in and seek answers.

6. Sri.K.Anand – learned standing counsel for the

W.P.(C) Nos.32680 of 2008

3

Corporation of Kochi, confesses that, perhaps not enough priority has been given to pedestrians in the past; but assured that there will be a change, particularly because of the declarations of the Hon'ble Supreme Court. He, however, pleaded that his client be given some time to work on it and to report to this Court.

7. At this time, the learned Amici Curiae intervened to say that though the general condition of the roads can possibly be stated to be almost satisfactory, there are patches and stretches which require attention, particularly because of the monsoons. They offered that they will give a list of such to K.Anand; and then file it before this Court by the next posting date so that necessary orders can be issued.

8. The focus of this Court is definitely is on the roads as a whole and the vital component of it is the pedestrian area/footpath. Though I had propounded "Operation Footpath" several years ago, no palpable changes have been seen; and unfortunately, even in roads where such stretches have been created, they are occupied by the vehicles, including cars, two wheelers, hawkers, street vendors and such other. The consequence is that citizens are forced to walk on the carriageway of the road, thus inviting dangerous situations,

W.P.(C) Nos.32680 of 2008

4

accidents and such other. This is more so in the case of persons with visual impairments and other physically disadvantaged persons, whose access to roads becomes impossible, for fear of injuries and death.

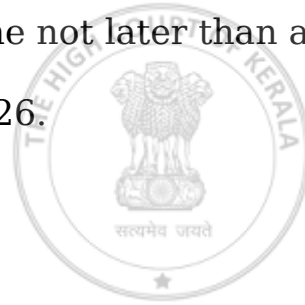
9. This has to change; and must change past!

10. I, therefore, accede to the request of Sri.K.Anand for the Corporation of Kochi to revise a suitable protocol with respect to the pedestrian paths and inform this Court, in consultation with the Amici Curiae.

This shall be done not later than a month.

List on 20.08.2026.

H/o



**Sd/- DEVAN RAMACHANDRAN,  
JUDGE**

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