



2026:KER:75730

WP(C) NO.29580 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2026 / 8TH ASWINA,

1948

WP(C) NO. 29580 OF 2026

PETITIONER/S:

JALAJA.M
AGED 52 YEARS
D/O LATE MURALEEDHARAN, 2F, GLENDALE POINT
(NORTH), S.I.APARTMENTS, NEAR FATHIMA SCAN AND
RESEARCH HOSPITAL, SIVAPURI, BANK ROAD, KOZHIKODE
PRESENTLY RESIDING AT SASI NIVAS, MUNICIPAL
STADIUM WARD, ALAPPUZHA., PIN - 673001

BY ADVS.
SRI.T.K.VIPINDAS
SHRI.VARUN S.

RESPONDENT/S:

- 1 THE DISTRICT POLICE CHIEF
OFFICE OF THE THE DISTRICT POLICE CHIEF, KANNUR
DISTRICT,, PIN - 670002
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
PAYYANNUR, PAYYANNUR.P.O-KANNUR, PIN - 670307
- 3 THE STATION HOUSE OFFICER,
PAYYANNUR POLICE STATION, PAYYANNUR.P.O-KANNUR,
PIN - 670307
- 4 GANESH,
NEW BEAUTY STORES, NEAR BUS STAND,



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PAYYANNUR, KANNUR, PIN - 670307

5 PAYYANNUR MUNICIPALITY
PAYYANNUR, KANNUR - REPRESENTED BY ITS
SECRETARY., PIN - 670307

BY ADVS.
SHRI.M.SASINDRAN
GP SRI P ABDUL NISHAD P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.09.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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P.V.KUNHIKRISHNAN, J**W.P. (C) No.29580 of 2026****Dated this the 30th day of September, 2026****JUDGMENT**

This Writ Petition (C) is filed seeking the following reliefs:

“i. Issue a Writ of Mandamus or any other appropriate Writ, order or direction directing respondents 1 to 3 to afford adequate police protection to the petitioner against obstructing ingress and egress to the petitioner’s shops bearing door Nos. 19/1271, 19/1272, 19/1273, 19/1275, 19/1278, 19/1279, 19/1305, 19/1307, 19/1308, 19/1309, 19/1310, 19/1311 from 4th respondent or any such persons.

ii. Issue a Writ of Mandamus or any other appropriate Writ, order or direction directing the respondents to remove the illegal obstruction/encroachment from the verandah of the petitioner’s shops bearing door Nos. 19/1271, 19/1272, 19/1273, 19/1275, 19/1278, 19/1279, 19/1305, 19/1307, 19/1308, 19/1309, 19/1310, 19/1311 and from the adjoining area, in accordance with law.

iii. Issue a Writ of Mandamus or any other appropriate Writ, order or direction directing the respondents to ensure that the trespassers do not re-enter or obstruct the petitioner’s property or cause further nuisance, intimidation, or damage.

iv. Issue a Writ of Mandamus or any other appropriate Writ, order or direction directing the concerned local authority, including the 5th respondent, to inspect the site and take lawful action regarding any unauthorised occupation or obstruction on the public footpath, after following



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due process.

v. To dispense with filing of the translation of Vernacular Documents.

vi. Grant such other reliefs as this Hon'ble Court deems fit and proper, in the interest of justice."

[SIC]

2. This writ petition is filed to resolve an individual problem faced by a building owner in Payyanur town, which is situated in Kannur District and also the general problem faced by the pedestrians and shop owners of the said Town. The petitioner is one of the co-owners of buildings known as R.K. Complex and KMK Complex situated near the Old Bus Stand, Payyannur, Kannur District. The Petitioner and her two sisters are the co-owners of the said properties. The Petitioner and her family are residing away from Payyannur and are not in continuous physical occupation of the premises, is the submission. The buildings and adjoining verandah are private property and form part of the petitioner's commercial premises, is the submission. The property also abuts a public footpath used by the public for access to the bus stand area, is the further submission. The public footpath and the verandah of the



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petitioner's property lie contiguously, such that any obstruction in the verandah would hinder the movement of the public using the footpath.

3. It is the case of the petitioner that, certain persons, including 4th respondent have illegally and without authority entered upon and occupied the verandah area adjoining the petitioner's shops bearing door Nos.19/1271, 19/1272, 19/1273, 19/1275, 19/1278, 19/1279, 19/1305, 19/1307, 19/1308, 19/1309, 19/1310, 19/1311. The petitioner states that the 4th respondent has been using the verandah and the adjoining space on the public footpath for business activity and to store bags, cartons, and other materials, thereby obstructing ingress and egress to the petitioner's shops and interfering with the petitioner's proprietary rights. The petitioner also alleges that the 4th respondent is using a QR code belonging to another person to carry on his activities, though he has not fully disclosed the details. It is further submitted that the illegal obstruction has continued for several months and has caused serious hardship, loss of tenants, loss of income, and damage to the petitioner's reputation as a shop owner. It is submitted that



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the obstruction has become so serious, and the members of the Payyannur Chamber of Commerce also visited the site and requested the 4th respondent to remove his materials, but he disregarded the same. When the petitioner objected to this unlawful conduct, the 4th respondent threatened her with danger to life and property. Therefore, the petitioner submitted Ext.P3 complaint before the 3rd respondent seeking police protection and appropriate direction to remove the illegal trespass and encroachment from the private verandah and the adjoining obstruction on the footpath. Despite Ext.P3 to Ext.P5 complaints, the high-handed and unauthorised act of the 4th respondent and men acting at his behest continues unabated. According to the petitioner, respondents 3 and 5 have a statutory duty to ensure that there is no obstruction to the public's free movement along the pathway. Hence, this writ petition.

4. Heard Advocate T.K.Vipindas for the petitioner and the Standing Counsel appearing for the Municipality. I also heard the Government Pleader. Although notice was issued to the 4th respondent, he refused to accept the notice; hence,



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service of notice on him is declared complete.

5. Payyanur is a small town. The main town area extends from Perumba to the old bus stand, and then for a further 100 meters thereafter. The road is congested and too narrow. Payyanur's narrow main road is a physical reminder of the town's evolution from an old market settlement into a modern urban centre. In other words, the road didn't become narrow; the town outgrew it.

6. It seems the footpath earmarked for pedestrians in this area is regularly occupied by street vendors, obstructing the public's free movement. Payyanur town needs a practical and humane response to footpath encroachment. It is true that the economic vulnerability of poor street vendors should be recognised; at the same time, we cannot overlook that pedestrians are forced onto the busy road because the pavement has been occupied. If anyone obstructs the public's free movement on the pathway, the Municipality and the police should address it. Street vendors can do business without encroaching on the pathway in a place earmarked for them. The Municipality should make necessary arrangements to ensure



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that their livelihood is not denied. However, they cannot do street vending by obstructing the pathway, forcing pedestrians to walk through the busy narrow road, at least from the new bus stand premises to the old bus stand area, and thereafter for an extent of 100 meters where the main town area in Payyanur exists.

7. The apex court in ***Maniyar Ilayaz @ Shaik Riyaz v. P. Ayyappan [2026 (4) KHC 370]*** observed like this:

“ 20. Returning to the discussion and the articulation of the right, the correlative duty and followed by the constitutional statutory remedies, in conclusion, we declare as under:

a. The right to walk is a fundamental right under Part III of the Constitution. It is integral to the right to movement guaranteed under Art.19(1)(d), read with Art.19(1)(a), Art.19(1)(b), Art.19(1)(c) and Art.21 of the Constitution of India. The fundamental right to walk will take within its sweep the right to demarcated footpaths. These rights are primary and shall have priority over movement by motorised vehicles.

b. The fundamental right to walk on demarcated footpaths has a correlative duty. If the road exists, there is a duty to ensure that there are demarcated and well - maintained footpaths for walkers. The duty bearers are the urban development authorities, municipal corporations, municipalities and even panchayats, who must endeavour to



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demarcate, construct, maintain, and safeguard footpaths and other necessary pedestrian infrastructure, as walking is integral to life.

c. The violation of the right to walk on demarcated footpaths will entitle the citizens to invoke constitutional and legal remedies against duty bearers for restitution and compensation. This remedy is independent of the remedies that are available under the Motor Vehicles Act, 1988."

In light of this principle, the right to walk is a fundamental right of every citizen. Footpaths are for pedestrians, not for street vendors. But I cannot turn a blind eye to poor street vendors whose livelihood depends on the daily income they earn in the evening, after working in the streets under the hot sun and during the rainy season. The livelihood of a street vendor is ordinarily a livelihood of necessity; a modest but honest endeavour to secure daily sustenance, put food on the table, and support the vendor's family with dignity. In such a situation, I am of the considered opinion that the Chairperson of the 5th respondent Municipality should convene a high-level meeting of all stakeholders, including respondents 1 to 3, to see that there is no street vending in the Payyanur Town encroaching on the footpath, but the street vendors' livelihood is protected by



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earmarking an area for their vending. The 2nd, 3rd and 5th respondents should resolve the petitioner's individual grievance forthwith, especially since the 4th respondent even refused to accept notice.

Therefore, this writ petition is disposed of with the following direction:

1. The respondents 2, 3 and 5 shall ensure forthwith that the 4th respondent or any other person are not obstructing the ingress and egress to the petitioner's shop doors bearing Nos.19/1271, 19/1272, 19/1273, 19/1275, 19/1278, 19/1279, 19/1305, 19/1307, 19/1308, 19/1309, 19/1310, 19/1311 and not conducting any street vending encroaching the footpath in front of her shop.
2. The Chairperson of the 5th respondent shall convene a meeting of all



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stakeholders in Payyanur town in which Respondents 1 to 3 shall also participate and see that there is no street vending in Payyanur town area encroaching on the footpath. The meeting should earmark a place for existing street vendors, if any, to do their business in the Payyanur town area. The above exercise shall be completed within 1 month from the date of receipt of a copy of this judgment; thereafter, the footpath in the Payyanur Town area should be for pedestrians only, and not for street vendors, and if there is any violation, Respondent Nos. 1 to 3 and 5 shall take immediate steps. If anybody encroaches on the footpath, Payyanurites can also bring it to the notice of Respondents 1 to 3 and 5, and if any such complaint is received, the police and Municipality authorities should act



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forthwith to remove the encroachment on the footpath.

3. The registry will forward a copy of this judgment through email or other mode to Respondent Nos. 1 to 3 and 5 forthwith for compliance.

Sd/-**P.V.KUNHIKRISHNAN
JUDGE**

SSG

Judgment reserved	NA
Date of judgment	30/09/26
Judgment dictated	30/09/26
Draft Judgment Placed	30/09/26
Final Judgment Uploaded	03/10/26



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APPENDIX OF WP(C) NO. 29580 OF 2026

PETITIONER EXHIBITS

Exhibit P1	THE TRUE PHOTOGRAPH OF THE 4TH RESPONDENT CONDUCTING BUSINESS IN THE VERANDAH OF THE PETITIONER'S BUILDING
Exhibit P2	THE TRUE PHOTOGRAPH OF THE OBSTRUCTION BEING CAUSED TO PETITIONER'S BUILDING
Exhibit P3	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ALONG WITH RECEIPT DATED 26-05-2026
Exhibit P4	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH RECEIPT DATED 21-06-2026
Exhibit P5	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 21-06-2026