

## IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 3<sup>rd</sup> day of March 2021/12<sup>th</sup> Phalguna, 1942WP(C) No.22750/2018(P)PETITIONER

ST. STEPHEN'S MALANKARA CATHOLIC CHURCH,  
KATTANAM VILLAGE, BHARANICKAVU, ALAPPUZHA,  
REPRESENTED BY ITS TRUSTEE SILVY GEORGE, AGED 48 YEARS,  
S/O GEORGE, MANKAVIL, KATTANAM VILLAGE, BHARANICKAVU,  
ALAPPUZHA.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY,  
PUBLIC WORKS DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. PRINCIPAL SECRETARY,  
LOCAL SELF GOVERNMENT DEPARTMENT,  
STATE OF KERALA, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
3. DISTRICT COLLECTOR,  
COLLECTORATE, CIVIL STATION, ALAPPUZHA-688 001.
4. CHIEF ENGINEER (R AND B),  
PUBLIC WORKS DEPARTMENT, MUSEUM,  
THIRUVANANTHAPURAM-695 033.
5. EXECUTIVE ENGINEER (ROADS),  
PWD ROADS DIVISION, COLLECTORATE BUILDING, ALAPPUZHA-688  
001.
6. ASST. ENGINEER,  
PUBLIC WORKS DEPARTMENT, KATTANAM, ALAPPUZHA- 688 001.
7. BHARANICKAVU GRAMA PANCHAYAT,  
REPRESENTED BY ITS SECRETARY, BHARANICKAVU,  
ALAPPUZHA - 690 520.
8. SECRETARY,  
BHARANICKAVU GRAMA PANCHAYAT, BHARANICKAVU,  
ALAPPUZHA-690 520.
9. SUB INSPECTOR,  
KURATHIKAD POLICE STATION, MAVELIKKARA, ALAPPUZHA-690 101.

\*ADDITIONAL RESPONDENTS 10 TO 16 IMPLEADED:

ADDL.R10. KERALA ADVERTISING INDUSTRIES ASSOCIATION,  
REG. NO.EKM/TC/536/2012,

STATE OFFICE: IVTH FLOOR MATHEWSONS TRADE CENTRE,  
(NEAR TVS), KALOOR, KOCHI- 682017, REPRESENTED BY ITS  
SECRETARY G.RAMESH BABU, S/O.P.D.KESAVA PILLAI,  
AGED 60.

ADDL.R11- THE CORPORATION OF KOCHI,  
REPRESENTED BY THE SECRETARY, P.B.NO.101, KOCHI- 682 011.

ADDL.R12-THE CORPORATION OF THIRUVANANTHAPURAM,  
REPRESENTED BY SECRETARY, VIKAS BHAVAN (P.O),  
THIRUVANANTHAPURAM- 695 033.

ADDL.R13-THE CORPORATION OF KOLLAM,  
REPRESENTED BY SECRETARY, KOLLAM- 691 001.

ADDL.R14-THE CORPORATION OF KANNUR,  
REPRESENTED BY SECRETARY, P.B.NO.39, KANNUR- 670 001.

ADDL.R15-THE CORPORATION OF THRISSUR,  
REPRESENTED BY SECRETARY, THRISSUR- 680 011.

ADDL.R16-THE CORPORATION OF KOZHIKODE,  
REPRESENTED BY SECRETARY, KOZHIKODE- 673 001.

ADDITIONAL RESPONDENT NO. 10 IS IMPEADED AS PER ORDER  
DATED 09.10.2018 IN I.A.NO.1/2018 AND ADDITIONAL RESPONDENTS 11  
TO 16 ARE SUO MOTU IMPEADED AS PER ORDER DATED 09/10/2018. IN  
WPC.

\*ADDITIONAL RESPONDENTS 17 TO 20 IMPEADED:

ADDL.R17. THE CHIEF SECRETARY OF THE GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM.

ADDL. R18. THE STATE POLICE CHIEF OF THE STATE OF KERALA.

ADDL. R19. THE ELECTION COMMISSION OF INDIA,  
REPRESENTED BY ITS SECRETARY, NIRAVACHAN SADAN,  
ASOKA ROAD, NEW DELHI - 110 001.

ADDL. R20. THE KERALA STATE ELECTION COMMISSION,  
REPRESENTED BY ITS SECRETARY,  
CORPORATION OFFICE COMPLEX, LMS JUNCTION,  
THIRUVANANTHAPURAM-695 033.

ADDITIONAL RESPONDENTS NO:17 TO 20 IMPEADED AS PER ORDER  
DATED 13/11/2018 IN WP(C) 22750/2018.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th and 6th respondents to forthwith consider and pass orders on Exhibits P6 and P3 representations, pending the final disposal of this writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 17.02.2021 and upon hearing the arguments of M/S GEORGE VARGHESE PERUMPALLIKUTTIYIL, A.R.DILEEP, MANU SEBASTIAN, P.J.JOE PAUL and RAJAN G. GEORGE, Advocates for the petitioner, Sri. K.V.SOHAN, STATE ATTORNEY for R1 to R6, R9, Addl. R17 and R18, Sri. VINCENT JOSEPH, Advocate for R8, M/s.LAL K.JOSEPH and ZIYAD RAHMAN, STANDING COUNSEL for Addl.R10, Sri. BABU KARUKAPADATH, STANDING COUNSEL for Addl. R11, Sri. N.NANDAKUMARA MENON, Senior Advocate along with Sri. MANOJ KUMAR, STANDING COUNSEL for Addl. R12, Sri. M.K.CHANDRAMOHAN DAS, STANDING COUNSEL for Addl. R13, Sri.K.K.CHANDRAN PILLAI, Senior Advocate along with M/s. AMBILY S., NAMITHA NAMBIAR, SAJI THOMAS and VANIA MARIA DOMINIC and SRI. ISSAC. M. PERUMPILLIL, STANDING COUNSEL for Addl. R14, Sri. SANTHOSH P. PODUVAL, STANDING COUNSEL for Addl. R15, M/s. BINDUMOL JOSEPH, ANJU ANIL KUMAR and SYAMANTHAK, STANDING COUNSEL for Addl. R16, Sri. MURALI PURUSHOTHAMAN, STANDING COUNSEL for Addl. R19 and Addl. R20 and of Sri. HARISH VASUDEVAN, AMICUS CURIAE, the court passed the following:-

सत्यमेव जयते



DEVAN RAMACHANDRAN, J.

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W.P.(C)Nos.22750 of 2018, 25784 of 2018 and  
42574 of 2018  
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Dated this the 3<sup>rd</sup> day of March 2021

## For information ORDER purpose only

The learned State Attorney, Shri.K.V.Sohan, submits that all steps have been taken by the District Collectors and by the concerned Police Authorities to remove the unauthorized Boards remaining in the public places in Kerala; and that reports as ordered by this Court, will be placed on record without any further delay.

He submitted that, however, on account of various factors, including the fight against COVID-19 and the ensuing elections, the Collectors have not been able to file the reports until now.

The learned Amicus Curiae, Shri.Harish Vasudevan, however, submitted that even as we speak now, new Boards are being placed on public places in Kerala and that no action is being taken by any Authority, thus emboldening the perpetrators to do further more.

There is no doubt that, unless the Authorities take stringent action, the malice of unauthorized Boards/Banners/Flags etc can never be rooted out from our streets. This is evident because, in spite of the more than 25 orders that I have passed in this case, vested interests still to do what is prohibited. The declaration of elections would, in all probability, only make it much worse.

That said, since Shri.K.V.Sohan seeks more time, I deem it appropriate to accede to his request to wait and see what action is taken. Consequently these matters will next be listed on

24.03.2021; within which time, the reports as I have directed in the orders dated 13.01.2021 and 17.02.2021, shall be placed on record by the District Collectors, failing which necessary consequential action will follow.

In the meanwhile, the Election Commission of India will ensure that the directions of this Court are scrupulously complied with, while the election process is being continued in the State; and that no unauthorized Boards/Banners/Flags/Hoardings, whatever be its nature, colour or character, be allowed to be put by any political party in public places in violation of the mandate of this court.

I am persuaded to pass the afore order because the learned Amicus Curiae submits that even when officers entrusted with election duties try to implement the directions, they are being obstructed by political parties.

It is needless to say that the Election Commission has the competence and is at full liberty to put in place necessary mechanisms to obtain full compliance of the directions of this Court.

The Registry of this Court is directed to serve a copy of this order on the Chief Electoral officer for the State of Kerala, Election Commission of India, by e.mail/Fax forthwith for necessary compliance.

List on 24.03.2021.

**DEVAN RAMACHANDRAN, JUDGE**

**MC**

**H/O**

/true copy/

Sd/-  
ASSISTANT REGISTRAR

**For information purpose only**

