

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE CHIEF JUSTICE MR.S.V.N.BHATTI  
&  
THE HONOURABLE MR.JUSTICE BASANT BALAJI**

Tuesday, the 20<sup>th</sup> day of June 2023 / 30th Jyaishtha, 1945  
WP(C) NO. 1992 OF 2023(S)

**PETITIONERS:**

1. V.D. SATHEESHAN M.L.A, AGED 59 YEARS, S/O. DAMODARA MENON, LEADER OF OPPOSITION, MEMBER, KERALA LEGISLATIVE ASSEMBLY, RESIDING AT DEVARAGAM, KESARI JUNCTION, PERUVARAM WEST, NORTH PARAVUR P.O., PARAVUR, ERNAKULAM DISTRICT - 683 513.
2. RAMESH CHENNITHALA M.L.A., AGED 67 YEARS S/O. LATE RAMAKRISHNA PILLA, MEMBER, KERALA LEGISLATIVE ASSEMBLY, RESIDING AT 485, ANANDAMINDIRAM, NEAR SUBRAMANIA SWAMY TEMPLE, 28, HARIPPAD, ALAPPUZHA DISTRICT - 690 514.

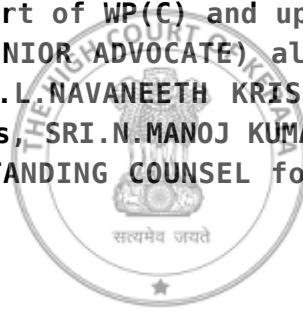
**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. STATE OF KERALA, DEPARTMENT OF TRANSPORT, REPRESENTED BY THE PRINCIPAL SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. STATE OF KERALA, DEPARTMENT OF FINANCE, REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
4. STATE OF KERALA, DEPARTMENT OF INDUSTRIES, REPRESENTED BY THE PRINCIPAL SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
5. THE TRANSPORT COMMISSIONER, 8TH FLOOR, B-BLOCK, CIVIL STATION, KUDAPPANAKKUNNU, THIRUVANANTHAPURAM - 695 043.
6. KERALA STATE ELECTRONICS DEVELOPMENT CORPORATION LTD, [KELTRON], KELTRON HOUSE, VELLAYAMBALAM P.O., THIRUVANANTHAPURAM - 695 033, REPRESENTED BY ITS MANAGING DIRECTOR. E-MAIL : keltron@keltron.org
7. M/S SRIT INDIA PVT. LTD, SRIT HOUSE, #113/1B, ITPL MAIN ROAD, KUNDALAHALLI, BANGALORE - 560 037, KARNATAKA STATE, REPRESENTED BY ITS MANAGING DIRECTOR E-MAIL: harishkumar@renaissance-it.com
8. AL HIND TOURS & TRAVELS PVT. LTD, AL HIND TOWER, OPP. PLANETARIUM, JAFFERKHAN COLONY ROAD, CALICUT - 673 006, REPRESENTED BY ITS MANAGING DIRECTOR, E-MAIL: coo@alhindonline.com, ed@alhindonline.com
9. PRESADIO TECHNOLOGIES PRIVATE LIMITED, 2ND FLOOR, 2/2525-B8, OLIVE ARCADE, MALAPARAMBA JUNCTION, KOZHICKODE - 673 009, REPRESENTED BY ITS MANAGING DIRECTOR EMAIL: admin@presadiotechnologies.com
10. LYTE MASTER LIGHTING INDIA (P) LTD. [A COMPANY REGISTERED UNDER THE COMPANIES ACT 2013], OFFICE AT K.P. 111/955, SHEETHAL MANSIONS, NEAR UDAYANNOOR SIVAN TEMPLE, NALANCHIRA P.O., THIRUVANANTHAPURAM - 695 015, REPRESENTED BY ITS MANAGING DIRECTOR E-MAIL: lytemaster.chennai@gmail.com

11. ECENTRIC DIGITAL PRIVATE LIMITED, (CIN) U72100TG2014PTC094736, REG.NO. 94736, 6-3-663/G/4, 2ND FLOOR, INNOVATIVE HOUSE, PUNJAGUTTA, HYDERABAD, TELANGANA STATE - 500 082, REPRESENTED BY ITS MANAGING DIRECTOR E-MAIL: siva@paradigminfotech.com
12. M/S. AKSHARA ENTERPRISES INDIA PRIVATE LIMITED, 3-6-182/1&2, STREET NO-17, URDU HALL LANE, TS STATE, AP STATE HOUSING BOARD, HIMAYATNAGAR, HYDERABAD, TELANGANA - 500 029, REPRESENTED BY ITS MANAGING DIRECTOR. E-MAIL: sreedhar@aksharags.com
13. M/S. ASHOKA BUILDCON LTD., S.NO - 861, ASHOKA HOUSE, ASHOKA MARG, ASHOKA NAGAR, 13B, GULSHAN COLONY, NASHIK, MAHARASHTRA 422 011, REPRESENTED BY ITS MANAGING DIRECTOR.

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 stay Exhibit-P3 and Exhibit-P27 and stay the implementation of fully Automated Traffic enforcement system for Safe Kerala by levying fine on the public and the disbursal of instalments of payments as approved in Exhibit-P27, pending disposal of the Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI. GEORGE POONTHOTTAM (SENIOR ADVOCATE) along with M/S NISHA GEORGE, ARUN CHANDRAN, J.VISHNU, A.L.NAVANEETH KRISHNAN & SIDHARTH.R.WARIYAR, Advocates for the petitioners, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R1 to R5 and of SMT.M.A.ZOHRA, STANDING COUNSEL for R6, the court passed the following:



P.T.O.

**S.V.N. BHATTI, C.J. & BASANT BALAJI, J.**

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Dated: 20<sup>th</sup> June 2023

**ORDER**

**S.V.N. Bhatti, C.J.**

The 1<sup>st</sup> respondent, through G.O.(MS) No.26/2023/TRANS, Department of Transport (D) dated 18.04.2023, intended to implement a project known as the 'Safe Kerala Project'. The project envisages deploying technology-enabled services to increase efficiency, certainty and utility to the beneficiaries, as is the objective of any public project. The 1<sup>st</sup> respondent, by implementing this project, visions to increase traffic mobility in the State of Kerala efficiently and accurately. One of the objectives of the present module is that the technology now sought to be implemented introduces transparency in the administration of

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traffic-related issues in the State of Kerala.

2. Through Ext.P6, on 26.06.2020, Kerala State Electronics Development Corporation Ltd (for short 'KELTRON')/ 6th respondent floated a notice inviting tender on the strength of Ext.P3. The beginning of the project, as is alleged in the petition, is commercially known as the BOOT model. Through Ext.P6, offers were solicited for the supply of different electronics modules, AIC modules, ANPRC modules, Vehicles for Mobile enforcement systems, supply installation and commissioning of CCR, DCRs, field installation including street furniture, Software and Software licenses on five-year BOOT model with a 5-year warranty. From 26.06.2020, the respondents have considered various stages, including a decision by the Cabinet on 12.04.2023 (Ext.P26), resulting in Ext.P27 and is called in question together with Ext.P3 in the public interest.

3. The 1<sup>st</sup> petitioner is the Leader of the Opposition of the Kerala Legislative Assembly. The 2<sup>nd</sup> petitioner is an elected

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member of the Legislative Assembly from Harippad Constituency in Alappuzha District. In the petition, notably filed in the public interest, the petitioners are not objecting to implementing the 'Safe Kerala Project' but have stated a series of allegations in the petition on the transparency in the decision-making process for availing the technology-enabled services on traffic issues. The gist of the public interest canvassed at the instance of petitioners is summarised.

4. We have heard Mr N Manoj Kumar, learned State Attorney, for respondents nos.1 to 5 and Ms M A Zohra, Standing Counsel for KELTRON/R6. We order notice before admission to respondents nos.7 to 13 by EMS Speed Post.

5. During and in the course of the hearing, we appreciated the arguments of learned Senior Counsel, Mr George Poonthottam, for ordering notice before admission. While ordering notice, we prefer to place on record that in the present Public Interest Litigation, the petitioners who have been holding the position of

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trust and public office desire transparency, accountability, and complete probity in the discharge of the public trust reposed by people. We have deliberated with the learned Senior Counsel, Mr George Poonthottam, on the zero tolerance on corruption and transparency. Having heard him, the petitioners are given the liberty to file affidavits on the standard they adhere to their heart and practice in public life and demand the same standard from respondents in the decision-making process.

6. After perusing the exhibits, we are convinced that the Public Interest Litigation needs to be examined from the perspective of change in the dynamics of implementation of the project, whether the change is objective, *bona fide* or vitiated by any of the collateral reasons now stated in the petition. In other words, with the change of module from BOOT to the annuity, whether the exchequer is directly or indirectly made to part with more than what has been envisaged in the beginning and also whether Ext.P27 is issued without a decision on crucial aspects

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noted in Ext.P26 and taken up for consideration before the Cabinet on 12.04.2023. A few of the contentions are noted while ordering notice before admission.

7. Mr N Manoj Kumar, State Attorney, appearing for respondents nos. 1 to 5, informs the Court that from 05.06.2023, the project, which was a model project at one stage, has been replicated at other places in the State of Kerala and therefore is set in motion. We have taken note of the happenings from 05.06.2023. We call upon the respondents not to make any payment under annuity until further orders from this Court or under intimation to this Court.

Post on 13.07.2023.

Sd/-  
S.V.N. BHATTI  
CHIEF JUSTICE

Sd/-  
BASANT BALAJI  
JUDGE

jjj 20/06/2023

**APPENDIX OF WP(C) 1992/2023**

- Exhibit-P3** TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O.(RT)NO.134/2020/TRANS DATED 27.04.2020 GIVING ADMINISTRATIVE SANCTION FOR IMPLEMENTING FULLY AUTOMATED TRAFFIC ENFORCEMENT SYSTEM AND FMS.
- Exhibit-P6** A TRUE COPY OF THE TENDER DOCUMENT OF KELTRON WITH TENDER NO.KSEDC/KCC/CPG/ENQ/0041/20-21 DATED 26.06.2020.
- Exhibit-P26** A TRUE COPY OF THE PROCEEDINGS OF CABINET MEETING DATED 12.04.2023 BEARING FILE NO.285/D3/2022/TRANS WITH ITS ENGLISH TRANSLATION.
- Exhibit-P27** A TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O.(MS)NO.26/2023/TRANS DATED 18.04.2023, GIVING COMPREHENSIVE ADMINISTRATIVE APPROVAL TO SAFE KERALA PROJECT, WITH ITS ENGLISH TRANSLATION.

