

DEVAN RAMACHANDRAN, J.

W.P(C)Nos.32680 of 2008 and 34310 of 2019

Dated this the 18th day of November, 2022

O R D E R

The learned Amici Curiae today reported that, in the Panampilly Nagar area of Kochi, a child fell into a deep drain, since it was not properly barricaded or closed.

2. It is a matter of great relief that the child has not been injured severely, though I am fully aware that it could have lead to graver consequences. It is pure providential grace that this Court is not faced with a situation which would have been horrendous.

3. "Operation Footpath" was an idea that this Court muted several months ago. I have been saying it consistently that a city in which citizens cannot walk, is not worthy to be called such.

4. The sight of open drains and pits are very common in Kochi, as is in various other parts of our State. However, this cannot be a justification to turn a blind eye to it. As we have seen in this case, the victim is a small child, who would not know the pitfall that faced him, while he was walking happily

with his parents, yesterday evening. The drain in question is large enough for him to have drowned; and when he fell it was also possible that he could have hit against it, to cause serious injury. As I said before, it is pure God's grace that this has not happened.

5. I, therefore, thought it fit to list this matter on an emergent basis today at 1.45p.m.; and called for appearance of the Secretary of Corporation of Kochi, since the upkeep of drains is exclusively vested with it.

6. Sri.Babu Abdul Kader - the Secretary of Corporation of Kochi, appeared and unreservedly apologized for the incident; but adding that he joined the post only on 12.10.2022. He submitted that the Corporation is taking every measure in terms of the directions of this Court, to make the pedestrian areas safer in Kochi; but submitted that it is a matter which will require time, effort and money - the last of which is scarce. He then assured this Court that, within the next two weeks, all the open drains, pits and such other, will either be slabbed - as far as possible; or will be barricaded and kept away from harm, even to a child or to a senior citizen.

7. Before I proceed, I must record that I have also listed W.P(C)No.23911/2018, which deals with the Perandoor Canal

and the drainage system of the city. This is because, in the said case, I have constituted a Committee under the Chairmanship of the District Collector, who is also the Head of the Disaster Management Authority. It is without need to say that the present instance is also one that would come within the sweep of the Disaster Management Authority Act. Sri.S.Kannan - learned Senior Government Pleader appearing for the District Collector affirms this.

8. The absolute imperative of making the city safe for every citizen - be that, young, old or the infirm - has now attained acme proportion, with this one incident. Unless we act now, the day would not be far where we would have to see the full consequences of such an incident. This is unthinkable!

I, therefore, issue the following directions:

a. I record the submissions made on behalf of the Corporation, that all open drains, pits and such other in the pedestrian areas of the city will either be properly slabbed; or barricaded and protected, within a period of two weeks from today. It is so ordered.

b. The Committee constituted by this Court, in W.P(C)No.23911/2018, under the head of the District Collector, Ernakulam, will oversee this action and will also conduct a

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Security Audit, simultaneously or thereafter, with respect to the pedestrian areas of this city. A report in this regard will be placed before this Court in due course, or by the next posting day, if it is ready by then.

List on 02.12.2022

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

ACR