



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 22<sup>ND</sup> DAY OF JUNE 2026 / 1ST ASHADHA, 1948

WP(C) NO. 6851 OF 2026

PETITIONERS:

- 1 TRITVAM APARTMENT OWNERS ASSOCIATION (TAOA)  
(REG.NO.EKM/TC/263/2024)  
GOSHREE-PANCHALAM LINK ROAD,  
MARINE DRIVE,  
KOCHI, PIN - 682018  
REPRESENTED BY ITS SECRETARY, ASHRAF
  
- 2 KISHORE VISWANATHAN  
AGED 64 YEARS  
THE PRESIDENT OF TRITVAM APARTMENT OWNERS ASSOCIATION  
(TAOA) (REG. NO. EKM/TC/263/2024)  
GOSHREE-PANCHALAM LINK ROAD,  
MARINE DRIVE,  
KOCHI, PIN - 682018

BY ADVS.  
SRI.S.MUHAMMED HANEEFF  
SRI.M.H.ASIF ALI  
SHRI.ASHIK ALI M.H.  
SMT.ASWATHI K.C.  
SMT.VISMAYA JAYARAJ

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR  
ERNAKULAM DISTRICT,  
CIVIL STATION, KAKKANAD,  
ERNAKULAM, PIN - 682030
  
- 2 GOSHREE ISLANDS DEVELOPMENT AUTHORITY (GIDA)  
REPRESENTED BY ITS SECRETARY,  
PARK AVENUE, KOCHI,  
KERALA, PIN - 682011



- 3 THE SECRETARY  
GOSHREE ISLANDS DEVELOPMENT AUTHORITY (GIDA),  
PARK AVENUE, KOCHI,  
KERALA, PIN - 682011
- 4 KOCHI MUNICIPAL CORPORATION  
REPRESENTED BY ITS SECRETARY,  
PARK AVENUE, KOCHI,  
KERALA, PIN - 682011
- 5 THE SECRETARY  
KOCHI MUNICIPAL CORPORATION PARK AVENUE,  
KOCHI, KERALA, PIN - 682011
- 6 THE MAYOR  
KOCHI MUNICIPAL CORPORATION,  
PARK AVENUE, KOCHI,  
KERALA, PIN - 682011
- 7 COCHIN SMART MISSION LIMITED (CSML)  
REPRESENTED BY ITS MANAGING DIRECTOR,  
4TH FLOOR, JAWAHARLAL NEHRU STADIUM,  
METRO STATION, KALOOR,  
KOCHI, PIN - 682017
- 8 THE MANAGING DIRECTOR  
COCHIN SMART MISSION LIMITED (CSML)  
4TH FLOOR, JAWAHARLAL NEHRU STADIUM,  
METRO STATION, KALOOR,  
KOCHI, PIN - 682017
- \*9 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,  
LOCAL SELF GOVERNMENT DEPARTMENT,  
SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- \*(ADDL.R9 IS IMPEADED AS PER ORDER DATED 24.03.2026 IN  
I.A. No.1/2026 IN WP(C) No.6851/2026.)
- \*10 M/S. C. JACOB & COMPANY  
29/30A, S.A. ROAD, JANATHA,  
VYTTILA, ERNAKULAM,  
COCHIN-682019,  
REPRESENTED BY ITS DIRECTOR, DR. J. JACOB,  
AGED 52 YEARS, S/O LATE SRI. JACOB,  
RESIDING AT 29/30A, S.A. ROAD,



JANATHA, VYTTILA,  
COCHIN - 682019

\*(ADDL.R10 IS IMPEADED AS PER ORDER DATED 7.4.26 IN IA  
No.5/2026 IN WP(C) No.6851/2026.)

BY ADVS.  
SRI.GEORGE POONTHOTTAM, SR.  
SRI.VARGHESE K.PAUL  
SHRI.ANOOP V.NAIR  
SRI.NAVEEN T.  
KUM.CHITHRA CHANDRASEKHARAN  
SRI.V.S.ABHISHEK  
SHRI.BIJI A MANIKOTH  
SHRI.SHIBU JOSEPH KOTTAYIL  
SMT.M.U.VIJAYALAKSHMI  
SRI.BRIJESH MOHAN

SRI.UNNI SEBASTIAN KAPPAN SR. GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
25.05.2026, THE COURT ON 22.06.2026 DELIVERED THE FOLLOWING:

**“C.R.”****BECHU KURIAN THOMAS, J.****-----  
W.P.(C) No.6851 of 2026  
-----**Dated this the 22<sup>nd</sup> day of May, 2026**JUDGMENT**

Walking is the most independent, advantageous and healthiest mode of travel. Hippocrates - the father of medicine, described walking as man's best medicine. Unfortunately, in our craving for progress and commercial gain, the simplest and most advantageous form of human activity - walking, has been forgotten and the pedestrian ignored. Even areas designed and created with a vision, intended for the safety and convenience of pedestrians, are soon engulfed in commercial interests resulting in conversion of those safe environs into business prospects. This, sums up the situation arising in this case.

2. Petitioners question the construction, installation and operation of commercial kiosks proposed to be set up on a walkway/footpath, situated in front of their apartment complex. They allege that their right to a safe and unobstructed pedestrian walk is attempted to be intruded upon, by the proposed construction of kiosks on the pedestrian footpaths.

3. Petitioners allege that a walkway named 'Queens Walkway' by the



side of the backwaters of Kochi, was developed by the Goshree Islands Development Authority (for short 'GIDA') and Cochin Smart Mission Limited (for short 'CSML'). Petitioners allege that GIDA has put forth a proposal to construct commercial kiosks on the Queens Walkway, which will, not only destroy the walkway, but also create traffic congestion, health risks and even overburden the civic infrastructure. Petitioners also allege that GIDA lacks the statutory authority under the Kerala Town and Country Planning Act, 2016, (for brevity 'the Act') to establish, permit or even facilitate any commercial kiosks, on a walkway intended for public benefit.

4. Petitioners further allege that the Queens Walkway was conceived and developed by CSML, with the objective of providing a bicycle track and a jogging track along with a comfortable pedestrian footpath. Several tree saplings were also planted on the entire stretch of the walkway. However, when GIDA proposed to establish and relocate 20 commercial shops/kiosks along the walkway, including in the front of petitioner's apartment complex, a representation was submitted before the authorities, pointing out the serious consequences that may ensue in illegally converting the walkway into an area of commercial activity. Petitioners have asserted that, introduction of such commercial kiosks on the Queens Walkway, will destroy its character and purpose, increase the traffic congestion, and even cause serious health hazards, apart from being in violation of mandatory provisions of law.



Petitioners have also questioned GIDA's authority to set up establishments of a commercial nature on footpaths or regulate the grant of licenses, which are matters within the domain of the local authority.

5. In the counter affidavit filed by respondents 2 and 3, it is alleged that the Goshree-Chathiyath road is under the ownership and authority of GIDA and hence they have the absolute right to utilize the said pathway for any activity. It is also stated that GIDA had approved a special project for Queens Walkway named as 'GIDA Happiness Zone Project' to provide quality open spaces for the public and to transform the walkway by providing various facilities matching international standards including eateries, thereby improving even the tourism potential of the city. Pursuant to the said decision, tenders were invited by GIDA from various persons in the year 2021 and the selected contractor established 20 food kiosks along the walkway. It was set up after ensuring that least disturbance is caused to the public. It is further stated that, on the expiry of the aforesaid agreement, GIDA invited fresh tenders in October 2025 and accepted the proposal of the 10<sup>th</sup> respondent company.

6. According to the second respondent, the Queens Walkway is one of the most beautiful lakeside places in Kochi and the kiosks are not constructed on the footpath but on the deck space adjacent to the walkway. According to GIDA, the walkway with a width of 6.5 metres is the widest in the city, while in



many parts of the city there are no footpaths even and therefore the walkway is being made into a recreational area. It is also alleged that the proposed constructions are not permanent in nature and instead they are modular portable structures, which can be transported without demolition. The respondents further pleaded that cities around the world are gasping for fresh air and Kochi is no exception with concrete jungles and high-rise buildings and the GIDA project, is a revolutionary innovation in urban planning and can be replicated in all the cities elsewhere.

7. The additional tenth respondent, who impleaded itself, has filed a counter affidavit stating that pursuant to the tender for upkeep of Queens Walkway, the bid submitted by the tenth respondent was selected and the final sanction is awaited. It is stated that the said respondent has already remitted an amount of Rs.84,00,000/- demanded by the third respondent. As per the tender, the contractor can establish 20 food kiosks along the new walkway (second walkway) and they are setting up only portable structures as kiosks. It is stated by the tenth respondent that they have commenced the work and have already spent more than Rs.50,00,000/- and have erected 7 kiosks already. It is also stated that there were no complaints against the previous contractor who had also set up kiosks. The tenth respondent also stated that GIDA, as a statutory body under the Act, can co-ordinate and implement plans in the designated development authority area and thus



sought dismissal of the writ petition.

8. A reply affidavit has been filed by the petitioner, controverting the contentions of the respondents and has also asserted that GIDA, after reconstitution has no authority over the road in question or any power to deal with the said road situated in Ward No 68 of Kochi Municipal Corporation. It is also stated that the road is a no vending zone under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (for short 'the Street Vending Act').

9. Sri. S. Muhammed Haneeff, the learned counsel for the petitioners, submitted that the attempt of GIDA to construct kiosks on the Queens Walkway is illegal. It was submitted that GIDA had no authority over the road in question as it is vested with the Corporation under the the Kerala Municipality Act, 1994, (for short 'the KM Act'). According to the learned Counsel, the proposal to set up commercial kiosks on footpaths is contrary to the established principles of town planning and land use. It was argued that the attempt of the second respondent violates their right to liberty and also demonstrates a complete lack of awareness on public safety. It was also argued that GIDA has no power to maintain the road and the area under consideration falls within Ward 68, which is not included in the areas under the ownership of GIDA. It was also submitted that under the Street Vending Act, the area around the Queens Walkway is a no vending zone and on that



ground also, the second respondent cannot set up any commercial kiosks.

10. Sri.George Poonthottam, the learned Senior Counsel instructed by Sri. Varghese K. Paul, learned counsel for GIDA submitted that till 2025 similar kiosks were set up in the area and the petitioners had not objected to it then and the present objection is without any basis. It was also submitted that the Goshree - Chathiyath Road starting from the Abraham Madamakal Road and ending at Chathiyath Church and the adjoining walkway are under the absolute ownership and authority of GIDA and hence they can utilize the said areas for any activity. The learned Senior Counsel also submitted that in order to maintain the walkway, revenue has to be generated and hence there is no illegality in setting up of commercial kiosks on the areas set apart for such kiosks.

11. Sri. T. Naveen, learned counsel for the 10<sup>th</sup> respondent also supported the contentions of GIDA and submitted that he has already invested substantially and that petitioners have no locus standi. It was also submitted that in the absence of any declaration of the area as no vending zone, there can be no restriction on putting up kiosks in the said area.

12. The learned Standing Counsel for respondents 4 to 6 submitted that the road is not seen included in the asset register of the Corporation while Sri.Brijesh Mohan, the learned counsel for respondents 7 and 8 submitted that the walkway was paved with tiles and beautified by CSML after spending



a huge sum of money. .

13. In view of the above contentions, the following questions arise for consideration:

*(i) Whether GIDA has authority over the Goshree-Chathiyath Road and the Queens Walkway adjacent to it?*

*(ii). Whether footpaths can be utilized for setting up commercial kiosks and whether GIDA has a right to construct kiosks on the Queens Walkway at Kochi?*

14. The above issues are considered below in seriatim.

***Issue No. (i).*** *Whether GIDA has authority over the Goshree-Chathiyath Road and the Queens Walkway adjacent to it?*

15. While considering the above question, a glance at the history of formation of GIDA is appropriate. The need for connecting the three islands of Bolgatty, Vallarpadam and Vypin to the Kochi mainland was in existence for several decades. A body by the name of GIDA was constituted in 1994, pursuant to a notification issued under the erstwhile Town Planning Act of 1108. Later, in the year 2000, the Government granted approval for construction of Vypeen Bridges Project, as a self financing scheme and permitted reclamation of 25 hectares of land from the backwaters at Marine Drive in Kochi. The Government also granted sanction to assign the reclaimed land to GIDA, without realizing any land value. Pursuant to the sanction, a Patta was issued to GIDA over 25 hectares of reclaimed Kayal Puramboke in Survey No. 843 of Ernakulam Village and it was permitted to avail a loan by mortgaging the reclaimed land as a collateral security. In the



meanwhile, the Government granted sanction to GIDA to sell the reclaimed land. Thereafter, GIDA sold the reclaimed land to various persons, who have constructed apartments and other buildings. The Goshree-Chathiyath Road, by the side of the backwaters, was thereafter constructed by GIDA, which no doubt, is an attractive place. While forming the road, two walkways were constructed on either side, one on the landward side of the road and the other by the side of the backwaters. The walkway on the landward side has a width of 6.5 metres, while that by the side of water, has only the bare minimum required for a footpath.

16. While so, after the coming into force of the Kerala Town and Country Planning Act, 2016, GIDA was reconstituted under section 51 of the said Act, with the purpose of integrated development of islands situated in the northern side of Kochi and which forms part of Ernakulam main land. The powers and function of an authority formed under the Town Planning Act is specified in section 56, which commences with the words "Subject to the provisions of the Kerala Municipality Act, 1994 and the Kerala Panchayat Raj Act, 1994". Thus the powers that can be exercised by GIDA are subject to the provisions of the above statutes.

17. Though GIDA asserts that it has absolute right and ownership over the land, including the walkway, as it had been granted a patta over the entire reclaimed land of 25 hectares, the question that arises is about the authority



over the Goshree-Chathiyath Road, including its footpaths. In this context, it is necessary to mention that, as per section 207(1) of the Kerala Municipality Act, 1994 all public roads, streets, etc., and even the adjacent land, not being private property, shall stand vested with the local authority absolutely. The exception is only with respect to National Highways, State Highway or major district roads. For the purpose of easier comprehension, the said provision is extracted below:

***“207. Vesting of Public Streets and appurtenance in Municipality.— (1) Notwithstanding anything contained in the Kerala Land Conservancy Act, 1957 (8 of 1958) or in any other law for the time being in force all public roads, streets, lanes and paths, the bridges, ditches, dykes and fences on or beside the same, and all adjacent land not being private property appertaining thereto in any municipal area other than [National Highway or State Highway or major district road or roads classified by Government as such] shall stand transferred to, and vest absolutely in the Municipality together with all pavements, stones and other materials and other things provided therein, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the Municipal fund or otherwise in, alongside or under such roads and all works, materials and things appertaining thereto.”***

18. The term public street is defined in section 2(34) as follows:

*“(34) “public street” means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes-*

*(a) the roadway over any public bridge or causeway;*

*(b) the footway attached to any such street, public bridge or causeway; and (c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to the Government.” (emphasis supplied)*



19. On a reading of Section 207 with section 2(34) of the KM Act, it is evident that all roads including the footpaths upto the boundary of the adjacent property, has to be regarded as a public road or a public street and vested with the Municipality. Thus, even though the title to the area, over which the Goshree-Chathiyath road has been constructed, belongs to GIDA by virtue of the Patta issued, still, after the formation of the public road, the said road and its walkway vests with the local authority. The said statutory vesting of the road on the Municipality is not defeated by the act of any party, including an order of the Government. The observations in **Palakkad Municipality v. Krihnanunni** [2025 KHC Online 1318] is relevant in this context. Thus it has to be held that, notwithstanding the Patta issued to GIDA over the entire 25 hectares of reclaimed land, still after formation of the Goshree-Chathiyath road, the said road vested absolutely with the Kochi Corporation.

***Issue No. (ii).*** *Whether footpaths can be utilized for setting up commercial kiosks and whether GIDA has a right to construct kiosks on the Queens Walkway at Kochi?*

20. The issue relates to the footpath/walkway constructed towards the landward side of the Goshri-Chathiyath road. During the course of arguments, though the counsel for the tenth respondent pointed out that the width of the road is 8 metres, on affidavit, the respondents 2 and 3 have stated that the width is only 6.5 metres for a distance of around 1.4 kilometres. The



application for appointment of an Advocate Commission filed by the writ petitioner was stoutly opposed by GIDA and hence the same was not allowed. Thus, this Court has to proceed with the width of the walkway as 6.5 metres, as affirmed in the affidavit of the second respondent.

21. GIDA is proposing to construct 20 kiosks on the Queens Walkway/footpath in front of the petitioners' apartment complex. The Queens Walkway has been designed and paved with tiles by CSML, who spent a substantial sum of money for the work, pursuant to the direction of GIDA. After completing the work, CSML has handed it back to GIDA. The Queens second walkway is stated to be one of the widest walkways in Kochi city. The said Walkway contains a bicycle track, tactile tiled footpath for the visually impaired, apart from a reasonably wide walkway for the pedestrians, all within 6.5 metres. The Queens Walkway on either side, is used by many for their early morning and evening stroll, amble and jaunts. With limited open spaces available in the already crammed city of Kochi, the Queens Walkway is no doubt an escape for many from the suffocating grip of concrete high-rise structures. Even in that limited open area of the Walkway, set apart for the use of cyclists, joggers and pedestrians, the respondents are attempting to construct 20 kiosks. It is within the width of 6.5 metres of the Walkway that GIDA has proposed to set up the kiosks, each of which will occupy a space of 4x3 metres. The customers at each of the kiosks will occupy further space.



Thus, the proposed kiosks will obviously restrict the free movement of all, through the Queens Walkway. The construction of kiosks will restrict the free movement of even the visually impaired through the tactile pavings, thus causing serious hardships and suffocation to the public. It is apposite to note that there is no material to indicate that there is any deck space available, over and apart from the Walkway.

22. In this context, it is worthwhile to mention that Indian Roads Congress has identified pedestrian walking as an important mode of transport and as they do not consume fuel, fitness acts as a bonus. It has also been observed that pedestrian facilities enhance the liveliness of the urban environment, making both business districts and residential neighbourhoods safe and interesting. Developing a pedestrian environment means more than laying down a footpath or installing a signal and a truly viable pedestrian system takes into account both the big picture and the smallest details including what materials are under the feet. The Indian Roads Congress also defined a pedestrian as including people who walk, sit, and stand in public spaces or use mobility aids like walking sticks, crutches/wheelchairs. Pedestrians also include children, teenagers, adults, elderly persons, persons with disabilities, workers, residents, shoppers or people watchers. It has been specified that pedestrian facilities should be planned in an integrated manner so as to ensure a continuous pedestrian



flow with reduced pedestrian conflicts to the maximum. A reading of the Guidelines of the Indian Road Congress will reveal that the convenience of pedestrians should be the paramount consideration to ensure full utilisation of the facility of pedestrian walk. It has also identified that pedestrian facilities are a critical element in producing a pedestrian friendly environment with a number of engineering solutions to improve the quality of the pedestrian network, all of which should be taken into account so that it will cater to the groups like children, families with young children, elderly persons, persons with disabilities and people carrying heavy luggage.

23. In this context, it is necessary to refer to the decision in **Sivaprasad v. State of Kerala and Others** (2020 (6) KHC 373), wherein a learned single Judge of this Court had held that the pedestrians ought not to be forced to walk in unsafe circumstances and every local authority is bound to provide pedestrian facilities on public roads in conformity with the guidelines for pedestrian facilities.

24. Similarly, in **Kottamom (Kottiyar Mangalam) Sri.Dharmashastha Temple Advisory Committees v. State of Kerala and Others** (2019 KHC 861), it was held that in view of the guidelines for pedestrian facilities formulated by the Indian Roads Congress vide IRC.103-2012, no parking of vehicles is legally permissible on footpaths which is the portion of the right of way of road, used for the movement of pedestrians. It was also held that



parking of vehicles on the footpath or public streets will force pedestrians to walk in unsafe circumstances which will adversely affect the mobility and safety of all pedestrians including those with disabilities and reduce mobility.

25. In **S. Rajaseekaran v. Union of India and Others** [W.P.(C) No. 295/2012] the Supreme Court had observed in its order dated 14-05-2025, that the right to have footpath and footways which are in good condition is an essential part of Article 21 of the Constitution of India and if there is no provision made for proper footpath or footways, the pedestrians will be forced to walk on the roads which will cause danger and which may lead to accidents.

26. Further, in a recent decision in **Maniyar Iliyaz and Another v. P. Ayyappan and Others** [2026 INSC 647], the Supreme Court declared that the right to walk is a fundamental right which will take within its sweep the primary right to have demarcated footpaths with a correlative duty on the local authorities to establish demarcated and well-maintained footpaths for walkers. The Supreme Court further held that the fundamental right to walk demands a comfortable space for an easy and carefree walk. It was also held that a wide, well-demarcated and uninterrupted footpath can change the beauty of and equitable access to our cities and towns, which could be transformative of our urban and rural living. Thereafter, the following principles were laid down:



- 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 Article 19(1)(d), read with Article 19(1)(a), Article 19(1)(b), Article 19(1)(c) and Article 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 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.....”*

27. From the above principles, it becomes apparent that the space provided for the pedestrians cannot be entrenched upon. In fact, as observed by the Supreme Court in **Maniyar Iliyaz** (supra), as a duty bearer, the Corporation is bound to ensure that the pedestrian infrastructure, not only at Queens Walkway but also at every footpath, is maintained properly. The Corporation even has a duty to demarcate and construct necessary pedestrian infrastructure throughout the city.

28. Once a kiosk is set up or even a hawker is permitted on a footpath or a walkway, it will entrench upon the pedestrian space resulting in compelling the pedestrians or the cyclists to shift from their demarcated territory, thereby paving the way for accidents. Of course, the construction of



kiosks will cater or complement economic viability. However, such an issue should have been considered at the time of designing the walkway by providing specific areas or decks beyond the walkway, to cater to such needs. In the instant case, GIDA did not contemplate at the initial stage or even while designing the walkway to construct any kiosks. Had they contemplated it so, they would have certainly kept apart a portion of the adjacent land for construction of such a kiosk. No area is available on the walkway, specifically kept aside as a space for setting up kiosks. Even at the time of sale of the adjacent lands, GIDA did not find it fit to provide such a space to cater to the need of construction of kiosks on those roads. It is only as an afterthought that they have now permitted construction of kiosks by reducing the width of the walkway.

29. Though, normally, a walkway or a footpath can be used only for the purposes of pedestrians, an exception is created under the Street Vending Act. Based on the said provisions, Kochi Corporation has formulated Byelaws for street vending in the year 2022. As per Clause 4(3) of the Byelaws, all those areas that are not declared as vending zones shall be treated as prohibited zones for street vending. In Schedule V of the said Byelaws, the details of prohibited vending zones have been stipulated. Serial No.68 of the said Schedule deals with the division referred to as 'Ayyappankavu' and states that all roads in the said division other than that specified in Schedule



IV shall be prohibited vending zones. In Schedule IV, no roads in Ayyappankavu have been notified. Therefore it is evident that the Goshree-Chathiyath Road, which falls in Division 68, is not within a vending zone, entitling GIDA or even the Corporation of Kochi, to set up any kiosks or vending shops. The exclusion from the Schedule amounts to a declaration that such areas are no vending zones. Thus the Goshree-Chathiyath road falls in the prohibited zone under the Street Vending Act and no street vendors, including kiosks can be permitted to be set up on the footpath.

30. As the right to life and liberty includes the right to walk freely without any obstruction, footpaths cannot be used for setting up commercial kiosks. Further, construction of commercial kiosks on the Queens Walkway will prejudice unobstructed access and thereby affect the fundamental right of the pedestrians. Hence GIDA has no right to construct kiosks on the Queens Walkway at Kochi. If any kiosk is to be constructed, it can be done only in areas designated or demarcated for that purpose.

In the result, a writ of mandamus is issued to the respondents not to construct, install or operate any kiosks on the Queens Walkway at Kochi.

The writ petition is allowed as above.

Sd/-

**BECHU KURIAN THOMAS**  
**JUDGE**



APPENDIX OF WP(C) NO. 6851 OF 2026

**PETITIONER'S/S' EXHIBITS**

- Exhibit P1 PHOTOGRAPHS IN THE PORTION OF THE WALKWAY IN THE FRONT PHASE OF THE PETITIONER'S APARTMENT COMPLEX
- Exhibit P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER'S ASSOCIATION BEFORE THE 6TH RESPONDENT DATED 05-11-2025
- Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER'S ASSOCIATION BEFORE THE 3RD RESPONDENT DATED NIL
- Exhibit P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER'S ASSOCIATION BEFORE THE 1ST RESPONDENT DATED 05-11-2025
- Exhibit P5 TRUE COPY OF G.O(P) NO. 29/2018/LSGD DT. 17/04/2018 ISSUED BY THE SECRETARY, LSGD DEPARTMENT, GOVERNMENT OF KERALA
- Exhibit P6 TRUE COPY OF THE LIST OF REVISED STREET VENDING ZONES, WHICH INCORPORATED THE RECOMMENDATION OF THE KOCHI MUNICIPAL COUNCIL RESOLUTION DATED 08.03.2022
- Exhibit P7 A TRUE COPY OF THE MEMORANDUM OF SUIT IN O.S. NO. 129/2023 ON THE FILES OF THE I ADDITIONAL MUNSIF COURT, ERNAKULAM
- Exhibit P8 A TRUE COPY OF THE INJUNCTION ORDER DATED 07.02.2023 IN I.A NO. 4/2023 IN O.S NO. 129/2023 ON THE FILES OF THE I ADDITIONAL MUNSIF COURT, ERNAKULAM

**RESPONDENT'S/S' EXHIBITS**

- Exhibit-R3(a) A TRUE COPY OF THE GIDA HAPPINESS ZONE PROJECT
- Exhibit R2(b) THE TRUE COPY OF THE SPECIAL PLAN FOR THE GIDA ROAD QUEENS WALKWAY AREA, ALONG WITH THE DRAWINGS
- Exhibit-R3(c) TRUE COPY OF THE INTERIM ORDER DATED 14/10/2022 IN W.P.(C) NO. 14501/2022
- Exhibit R3(d) A TRUE COPY OF THE INTERIM ORDER DATED 19.02.2026 IN WP(C) NO. 5540 OF 2026
- Exhibit R3(e) TRUE COPY OF THE BTR & THANDAPER ACCOUNT EXTRACT



Exhibit R3(f) TRUE COPY OF THE PATTA & LAND TAX RECEIPT

Exhibit R3(g) TRUE COPY OF THE COMMUNICATION DATED 30/3/2026 SENT BY ASSISTANT EXECUTIVE ENGINEER

Exhibit R3(h) THE PLAN

Exhibit R3(i) COPY OF THE JUDGMENT RENDERED BY THE DIVISION BENCH OF THIS HON'BLE COURT IN W.A.NO.839 OF 2026 DATED 01.04.2026.

Exhibit R10(a) A TRUE COPY OF THE EXPRESSION OF INTERESTS FLOATED BY THE 4TH RESPONDENT IN THE MONTH OF OCTOBER 2025

Exhibit R10(b) A TRUE COPY OF THE COMMUNICATION DATED 1-12-2025

Exhibit R10(c) A TRUE COPY OF THE RECEIPT DATED 01.12.2025 SHOWING THE PAYMENT OF 7,50,000/- RESPECTIVELY (TOTAL RS. 84 LAKHS)

Exhibit R10(d) A TRUE COPY OF THE RECEIPT DATED 08.12.2025 SHOWING THE PAYMENT OF 76,50,000 RESPECTIVELY (TOTAL RS. 84 LAKHS)

Exhibit R10(e) TRUE COPY OF THE TEMPLATE OF THE TEMPORARY/PORTABLE KIOSKS BEING PUT UP

Exhibit R10(f) TRUE COPY OF THE PHOTOGRAPHS SHOWING THE WORKS ALREADY CARRIED OUT BY THE ADDL. 10 TH RESPONDENT

Exhibit R10(g) A TRUE COPY OF THE RELEVANT PAGES OF THE MASTER PLAN FOR KOCHI MUNICIPAL CORPORATION

Exhibit R10(h) A TRUE COPY OF THE SAID G.O.(MS) NO. 114/94/LAD DATED 1-5-1994 ISSUED BY THE GOVERNMENT

Exhibit R10(i) A TRUE COPY OF THE SAID G.O.(MS) NO. 224/2000/LSGD DATED 27-7-2000 ISSUED BY THE GOVERNMENT

Exhibit R10(j) A TRUE COPY OF THE G.O.(MS) NO. 355/2000/LSGD DATED 23-12-2000 ISSUED BY THE GOVERNMENT

Exhibit R10(k) A TRUE COPY OF THE G.O.(MS) NO. 234/2001/RD DATED 22-8-2001 ISSUED BY THE GOVERNMENT

Exhibit R10(l) A TRUE COPY OF THE G.O.(MS) NO. 18/2003/RD DATED 7-1-2003 ISSUED BY THE GOVERNMENT

Exhibit R10(m) TRUE COPY OF THE DIGITAL SKETCH OF THE GIDA-CHATHIATH ROAD PREPARED