

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WA.No. 896 of 2011 () IN WP(C).10909/2006

APPELLANT(S)/PETITIONER:

**SADIQ ALI, S/O. MOHAMMED HAJI,
PALACKAL HOUSE, KARIMBA.P.O, KALLAIKOD
MANNARKKAD TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S)/RESPONDENTS in W.P.(C).:

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, IRRIGATION (ISW), DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, 695 001**
- 2. THE EXECUTIVE ENGINEER,
ATTAPPADI VALLEY IRRIGATION PROJECT, AGALI.P.O
ATTAPADI, PALAKKAD DISTRICT, 678 581**
- 3. THE TAHSILDAR (RR),
MANNARKKAD TALUK, PALAKKAD DISTRICT, 678 582**

BY SR.GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 20-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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W.A.No. 896 of 2011

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Dated this the 20th day of February, 2015

J U D G M E N T

ANTONY DOMINIC, J.:

This appeal is filed against the judgment of the learned Single Judge in W.P.(C).No. 10909/2006. Though the Writ Petition filed by the appellant was allowed and recovery proceedings were interfered with, the learned Single Judge imposed a condition that the appellant will not file any case for compensation against the Government or its officers and that if any such case is already filed, the same will be withdrawn immediately. It is aggrieved the aforesaid condition imposed in the judgment this appeal is filed.

2. The contention raised by the learned counsel for the appellant is that as a result of the above condition imposed by the learned Single Judge, the liberty granted to the appellant in Ext.P-5 judgment in W.A.Nos.1045/1991 and 25/1993, to seek his remedy for recovery of the damages is lost. Though this contention would appear to be attractive, on a closer scrutiny, we are not inclined to accept it. Ext.P-5 judgment was rendered by this Court on

31.3.1993. This, therefore, means that by the time W.P.(C).No. 10909/2006 in which the impugned judgment was passed, was filed, cause of action if any available, with reference to Exts.P-5 and P-7 referred to above has already become time barred. The appellant does not have case that as on the date when the Writ Petition was disposed of, any suit was filed by him requiring to be withdrawn as ordered by the learned Single Judge. In such circumstances, the condition imposed by the learned Single Judge did not result in depriving the appellant of any right or remedies that were available to him with reference to Ext.P-5 and P7. We therefore do not find any substance in the grievance now raised. The appeal fails and is dismissed.

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Sd/-
ANTONY DOMINIC, JUDGE
Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge