

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WA.No. 583 of 2015 () IN WP(C).3379/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 3379/2015 of HIGH COURT OF
KERALA DATED 03-03-2015

APPELLANT(S)/PETITIONERS :

1. K.SAJAYAKUMAR, AGED 42 YEARS,
S/O. K.KUNJIKRISHNAN,
PUTHENPURAYIL VIJAYA BHAVAN
SEETHATHODU P.O., KONNI TALUK, PATHANAMTHITTA.
2. H.SHAJI, AGED 53 YEARS
EDAYILA VEETIL, SEETHATHODU P.O., KONNI TALUK
PATHANAMTHITTA.

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENT(S)/RESPONDENTS :

1. THE SEETHATHODE GRAMA PANCHAYATH,
REP. BY ITS SECRETARY
RANNI TALUK, PATHANAMTHITTA DISTRICT,
PIN - 689 667.
2. THE DEPUTY DIRECTOR OF PANCHAYATH
PATHANAMTHITTA DISTRICT, PIN-689 645.
3. THE ASST. ENGINEER
LSGD SECTION, OFFICE OF THE LSGD SECTION
SEETHATHODE P.O., PIN-689 667.

R1 BY SRI.M.GOPIKRISHNAN NAMBIAR
R2 & R3 BY SRI.S.JAMAL, SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

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WA No.583 of 2015
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Dated this the 13th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellants, who are the writ petitioners. They challenge an interlocutory order dated 03.03.2015 whereby the learned single Judge has recorded that there is no reason to grant any interim relief as sought for and directed that the writ petition be posted in the usual course.

- 2.The matter relates to award of contracts in relation to different works under the Grama Panchayat. Those contracts relate to maintenance of roads, market, roadside walls, etc. We see that on 03.02.2015, the learned single Judge had granted an order making the re-tender notification subject to the result of the writ petition and also clarifying that without prejudice to the writ petitioners' rights and contentions, they will also be at liberty to participate in the auction process. However, thereafter, the writ

petitioners produced Ext.P8 along with I.A.No.2964 of 2015, which showed that out of sixteen projects tendered initially, nine have been accepted and seven were rejected. The Grama Panchayat submitted that insofar as the rejected tenders are concerned, the process of re-tendering is taken up. The learned single Judge found that the decision to re-tender is, essentially, a matter of policy and no prejudice can be caused to the writ petitioners, if they are also permitted to participate. The Grama Panchayat had submitted before the learned single Judge that all the bidders concerning those seven works could also participate in the re-tendering. It was under such circumstances that the learned single Judge found no way to grant any further interim relief to the writ petitioners.

3. Having considered the aforesaid matter in the light of the submissions made at the bar, we do not see that the learned single Judge had erred in law or in jurisdiction or even on facts in making the impugned interim order. We see no merit in this writ

appeal. The same is liable to be dismissed.

In the result, this writ appeal is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

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