

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WA.No. 983 of 2015 () IN WP(C).4856/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 4856/2014 of HIGH COURT OF KERALA DATED
02-07-2014

APPELLANT(S)/RESPONDENT NOS.1 TO 4 IN WP(C)

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF AGRICULTURE,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 001.
3. THE PRINCIPAL AGRICULTURAL OFFICER,
DISTRICT AGRICULTURAL OFFICE,
MINI CIVIL STATION, PATHANAMTHITTA - 689 645.
4. THE DEPUTY DIRECTOR OF AGRICULTURE (WATER MANAGEMENT),
DISTRICT AGRICULTURAL OFFICE, MINI CIVIL STATION,
PATHANAMTHITTA - 689 645.

BY SRI.P.P.PADMALAYAN, GOVERNMENT PLEADER

RESPONDENT(S)/PETITIONER AND RESPONDENT NO.5 IN W.P(C):

1. M/S. SOUTHERN FERTILIZERS & CHEMICALS,
INDUSTRIAL NAGAR PO, CHANGANACHERRY,
KOTTAYAM DISTRICT,
PINCODE 686 106. REPRESENTED BY ITS PROPRIETOR
SRI.KURIAN JOSEPH
2. KERALA AGRO INDUSTRIES CORPORATION LIMITED,
PATHANAMTHITTA DISTRICT OFFICE, KAVUMBHAGAM, P.O.,
THIRUVALLA,
PATHANAMTHITTA DISTRICT - 689 102. REPRESENTED BY ITS MANAGER

R1 BY ADVS. SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.K.T.THOMAS

R2 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.V.M.KURIAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02-07-2015, ALONG
WITH WA. 1008/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE R2(b): COPY OF THE SO CALLED AGREEMENT/CONSENT LETTER DATED 15.3.2013.

ANNEXURE R2(c): COPY OF THE ENQUIRY REPORT DATED 16.9.2014 WITH TRUE ENGLISH TRANSLATION.

ANNEXURE R2(d): COPY OF THE REPORT NO.SC-45/13/PTA DATED 31.12.2013 OF THE INSPECTOR OF POLICE, VACB, PATHANAMTHITTA.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

W.A.No.983 of 2015 & I.A.No.501 of 2015
and
W.A.No.1008 of 2015 & I.A.No.518 of 2015

Dated this the 2nd day of July, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. These two writ appeals filed by the State of Kerala and others come up with applications seeking condonation of delay of 234 days.

2. Heard the learned Government Pleader and the learned counsel appearing for the first respondent/writ petitioner. Notwithstanding the fact that the reasons offered for the delay are not acceptable, we thought it appropriate to look into the merits of the writ appeals as well. But, before proceeding, we may say that the judgment in the writ petition was initially subjected to an application for review and also for enlargement of time for compliance and the writ appeals are instituted when contempt of court proceedings are filed.

3. Onto the merits, we see that the writ petitions were filed alleging that amounts due for supply of organic fertilizers and organic pesticides were not paid. The learned single Judge directed the 2nd respondent in the writ petition, who is the Director of Agriculture, to file a statement as to whether the supplier: the writ petitioner, had supplied the entire quantity of goods. Statements or affidavits were filed by the Director showing that the entire required quantity was supplied, but amounts were not paid, and the delay was occasioned because certain assessments were being made through the Vigilance regarding quantity, quality or utilization of the materials. The very term 'vigilance' comes from the concept of one being vigilant. If activities under the canopy of 'vigilance' are held on for quite a long time without effecting payments due to the contractors and suppliers, that will unnecessarily torpedo the regulatory mechanism and also supply systems to critical establishments like the field of agriculture, as in the case in hand. The learned single Judge having been satisfied that the supplies were duly made as authenticated by the Director of Agriculture, we see no error of jurisdiction or illegality in the judgments rendered by the learned single Judge. These writ

appeals, therefore, fail on merits as well.

In the result, the C.M.Applications seeking condonation of delay and the writ appeals are dismissed in limine.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(SUNIL THOMAS, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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