

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WA.No. 1721 of 2015 IN WP(C).15565/2015

AGAINST THE JUDGMENT IN WP(C) 15565/2015 DATED 24-06-2015

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APPELLANT/PETITIONER :

P.M.UMMER,
PALAMADATHIL HOUSE, KANNAMANGALAM WEST
MALAPPURAM-676305.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

RESPONDENTS/RESPONDENTS :

1. THE JOINT DIRECTOR,
COASTAL ENGINEERING FIELD STUDIES, THRISSUR-685 020.
2. THE DEPUTY DIRECTOR,
COASTAL ENGINEERING FIELD STUDIES, SUB DIVISION
KOZHIKODE-673 009.

BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1721 OF 2015

Dated this the 12th day of August, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the judgment dated 24.06.2015 by which the writ petition filed by the petitioner has been dismissed.

2. The petitioner by the writ petition has prayed for quashing Ext.P7 order by which the work awarded to the petitioner was terminated at the risk and cost of the contractor. The contract was awarded to the petitioner. However, he could not complete the work within time. Petitioner had earlier come to this court by filing a writ petition. This Court had granted indulgence and permitted the petitioner to complete the work by 31.03.2015. Petitioner could not complete even within the aforesaid period. The Joint Director, Coastal Engineering Field Studies, Thrissur has issued an order cancelling the contract. Petitioner submits that if petitioner is allowed a short time more he could have completed the work. Moreover half of the work was completed.

3. We have considered the submissions of parties and perused the record. The termination of contract was in accordance with the terms and conditions of the contract. Petitioner submits that the cause and reason for not completing the work in time, the respondents have also some role. Under such event he may take appropriate measure for breach of contract.

The learned Single Judge has rightly refused to interfere with the order in exercise of writ jurisdiction. We do not think that this is a fit case to entertain or to interfere with the judgment of learned Single Judge. The Writ Appeal is hence dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

WA No. 1721 of 2015

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