

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 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WA. No.2537 of 2015 () IN WP(C).11933/2015

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AGAINST THE JUDGMENT IN WP(C) NO.11933/2015 of HIGH COURT OF KERALA
DATED 11-09-2015**

APPELLANT(S)/PETITIONER:

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A.B.GOPALAKRISHNAN
AMBALATHINKAL (H), KULAYATTIKKARA P.O., ARAYANKAVU
ERNAKULAM.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S)/RESPONDENTS:

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- 1. KERALA WATER AUTHORITY
'JALABHAVAN', VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN-695033, REPRESENTED BY ITS MANAGING DIRECTOR.**
 - 2. THE MANAGING DIRECTOR
KERALA WATER AUTHORITY, 'JALABHAVAN', VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN-695033.**
 - 3. THE CHIEF ENGINEER,
CENTRAL REGION, KERALA WATER AUTHORITY,
KOCHI-PIN-682011.**
 - 4. THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H.DIVISION, KOCHI-682016.**
 - 5. T.G.RAJASHEKARAN,
RETIRED SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, "PRANAVOM", SUNORA CHURCH ROAD,
ELAMKULAM, KADAVANTHARA P.O.,
ERNAKULAM-PIN-682020.**
 - 6. JOSE V. FRANCIS @ JOSHY
S/O. FRANCIS, VALIYAPARAMBIL VEEDU, NORTH KALOOR,
KOCHI-682017.**

WA. No.2537 of 2015 ()

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BY SRI.P.K.MUHAMMED

BY SRI.GEORGE MATHEW, SC, KERALA WATER AUTHORITY

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

KRJ

ASHOK BHUSHAN, C.J

&

A.M.SHAFFIQUE, J.

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W.A No.2537 of 2015

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Dated this the 2nd day of December, 2015

JUDGMENT

Ashok Bhushan, CJ

Heard learned counsel for the appellant. This writ appeal has been filed against judgment dated 11.9.2015 in W.P(C) No.11933 of 2015. The writ petition has been dismissed by the learned single Judge against which judgment, the writ petitioner has come up with this appeal.

2. The writ petition was filed by the appellant seeking a direction to second respondent to recall/cancel 'B' class licence granted to the sixth respondent. Sixth respondent was granted 'B' class licence by Kerala Water Authority which licence admittedly, is still current. Petitioner who is a 'B' class licensee filed certain representations for cancellation of licence of sixth respondent and thereafter had come up with the writ petition.

3. The learned single Judge had disposed of the writ petition holding that petitioner cannot be said to be an aggrieved person individually by granting 'B' class licence to sixth respondent.

4. Whether licence granted to a 'B' class contractor deserves to be cancelled is a question which is in the domain of the authority which has granted the licence. The petitioner, at best, could have brought into notice of the authorities if there is any ineligibilities for the sixth respondent. We are of the view that the learned single Judge did not commit any error in refusing to entertain the writ petition at the instance of the petitioner for a direction to second respondent to cancel the licence of sixth respondent. The petitioner, who is a contractor in trade, cannot be allowed to pray for such directions and further, petitioner cannot be said to have any right to compel the respondent to act on the request submitted by him.

With the above observations, writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE
JUDGE

krj.2/12/15

//true copy// P.A to Judge