

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 2389 of 2015 (W)

PETITIONER:

**JAYAN G., S/O.V.GANGADHARAN,
MOONLIGHT CONSTRUCTION COMPANY,
PUTHUSSEY, MATHIRA P.O., CHITHARA,
KOLLAM DISTRICT.**

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE SUPERINTENDING ENGINEER,
NATIONAL HIGH WAY, SOUTH CIRCLE,
THIRUVANANTHAPURAM, PIN - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE REGISTRATION CARD OF THE PETITIONER NO.BB/SENH/SC-2009-2010 ISSUED BY THE 2ND RESPONDENT AND RENEWED UP TO 31.03.2013.
- EXHIBIT P2: TRUE COPY OF THE G.O.(M.S.).NO.59/2013/PWD DATED 17.07.2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE G.O.(M.S.)NO.96/2013/PWD DATED 22.11.2013 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P4: THE TRUE COPY OF THE APPLICATION FOR REGISTRATION SUBMITTED BY THE PETITIONER ALONG WITH RELEVANT MATERIALS AND EXPERIENCE CERTIFICATE.
- EXHIBIT P5: TRUE COPY OF THE COMMUNICATION NO.F1-1256/13 DATED 11.09.2013 OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2389 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

The prayers raised by the petitioner in the writ petition are in the following terms:

"i. Call for the records leading to Exhibit P5 from the 2nd respondent and to quash the same by the issuance of a writ in the nature of certiorari;

ii. Issue a writ in the nature of mandamus or any other appropriate writ direction or order commanding the 2nd respondent to renew the 'B' Class Registration of the petitioner which expired on 31.03.2013 as per the application submitted by the petitioner or in the alternative to issue fresh 'B' Class Registration as per Exhibit P4 application submitted by the petitioner forthwith;

iii. Declare that petitioner is entitled to get the 'B' Class Registration renewed as per the Rules and Government orders prevailing as on the date of expiry of Exhibit P1 Registration in respect of Contractors enabling the petitioner to engage in the execution of civil contracts;

iv. To allow such other and further relief's as this Hon'ble Court find deem fit to in the nature and circumstances of the case;

and

v. Allow this Writ Petition with the petitioner's costs."

2. The learned counsel for the petitioner points out that the petitioner, who is a registered contractor by profession, was given 'B' Class registration, depending upon the nature and

extent of work involved. Based on the said registration, the petitioner was being awarded various civil contracts by the Government and Governmental agencies and was discharging the same to the satisfaction of all concerned. As evident from Ext.P1, the registration of the petitioner was valid till 31.03.2013. It is stated that, the petitioner has made an application for renewal on time, but then the petitioner was given to understand that the Government was proposing to issue revised norms for renewal, extending the tenure to 'three years' and hence, there was no need to submit any application at that point of time. Subsequently, when the petitioner submitted an application, it was stated as belated and the petitioner was informed as per Ext.P5, that the benefit of Ext.P2 G.O. dated 17.07.2013 could not be extended to the petitioner, as the petitioner had to take registration as a 'C' Class licensee and only thereafter, that the petitioner could aspire for a placement as 'B' Class licensee. This in turn is under challenge in this writ petition.

3. Heard the learned Government Pleader as well, who

points out that, as per the relevant provisions of the PWD manual for renewal of the registration, necessary application had to be submitted three months before the expiry of the licence. Admittedly, the registration of the petitioner expired on 31.03.2013, whereas the application for renewal was submitted only on 12.07.2013. It is also pointed out that, the petitioner is not entitled to have the benefit of Ext.P2 G.O., which was issued on 17.07.2013, whereas the registration of the petitioner had already expired by that time, ie. on 31.03.2013. With reference to Ext.P3 G.O., the learned Government Pleader points out that, the benefit thereunder, particularly under Clause (i), is only in respect of all contractors, who were holding a valid licence as on the date of the said order, ie. on 22.11.2013, to have it allowed to continue in the same category, after switching over to the new system governed by the revised rules for renewal. The petitioner was having no valid licence as on the date of issuance of the said G.O., it having expired on 31.03.2013, and as such, he is not entitled to have any relief.

In the above circumstances, this Court does not find any tenable ground to call for intervention.

Interference is declined and the writ petition is dismissed accordingly.

**P.R. RAMACHANDRA MENON,
JUDGE**

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