

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4262 of 2015 (G)

PETITIONER(S):

**KANNUR BLOCK AGRICULTURAL IMPROVEMENT
CO-OP SOCIETY LTD. C-1601,
REP. BY THE SECRETARY, BABY C.C.
KANNUR BLOCK AGRICULTURAL IMPROVEMENT CO-OP SOCIETY LTD.
C-1601, TALAP, P.O. PALLIKUNNU, KANNUR-670 004.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. DIRECTOR OF PORTS,
THIRUVANANTHAPURAM-695 001**
- 2. THE PORT OFFICER,
KOZHIKODE.**
- 3. SENIOR PORT CONSERVATOR,
AZHIKKAL.**
- 4. TENDER EVALUATION COMMITTEE,
REP. BY THE DIRECTOR OF PORTS
THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.MUHAMMED SHAFI M.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

STK

WP(C).No. 4262 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE SOCIETY.

**EXT P2 : TRUE COPY OF THE APPLICATION FOR ALLOTMENT OF MANUAL
DREDGING WORK FOR THE YEAR 2014-2015 SUBMITTED BY THE
PETITIONER.**

EXT P3 : TRUE COPY OF THE REPRESENTATION DATED 23-01-2015.

**EXT P4 : TRUE COPY OF THE REPRESENTATION DATED 28-01-2015 SUBMITTED BY
THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A. TO JUDGE

STK

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 4262 of 2015

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Dated, this the 13th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) To declare that the petitioner is qualified and eligible for the allotment of tender;

(ii) To issue a writ of mandamus directing the respondents to consider Ext. P2 application filed by the petitioner society for allotment of tender by treating the petitioner as duly qualified;

(iii) To issue a writ of mandamus directing the respondents to accept the printed copy of computerized membership register and all other documents produced by the petitioner along with Ext. P2 and also to accept Ext. P4 and copies of the membership register (hard copy) prepared manually and to permit the petitioner to take part in all further stages of the tender allotment process;

(iv) to issue a writ of mandamus directing the petitioner to treat the petitioner society as duly qualified for allotment of manual dredging workers and

to permit the petitioner to undergo all further stages in the process for allotment of manual dredging work at Azhikkal Port for 2014- 2015 and subsequent years.

(v) To issue a writ of mandamus directing the respondents to allot the manual dredging works at Azhikkal Port on the basis of the points obtained by the petitioner in the tender process;

(vi) to issue a writ of mandamus directing the respondents to allot the manual dredging work to the petitioner in the year 2014 - 2015 on the basis of the marks obtained by the petitioner in the evaluation committee.

(vii) to issue such other orders, directions or writs as may be prayed for and that this Hon'ble Court may deem fit on the facts and circumstances of the case."

2. The learned counsel for the petitioner submits that the petitioner has produced a certified copy of the membership register (duly certified by the competent authority of the Co-operative Department) along with tender. In the said circumstances, there is absolutely no rhyme or reason to refuse to accept the same and denying any opportunity to participate the

tender. It is also pointed out that subsequently a hard copy of the register has also been submitted before the concerned respondent.

3. Heard the learned Government Pleader as well, who submits that the documents produced by the petitioner, of course, bear the signature and seal of the competent authority under the Kerala Co-operative Societies Act and Rules and that the respondents have no objection in considering the same. The said submission is recorded.

4. In the said circumstances, the writ petition is disposed of, as no further orders are called for.

Sd/-

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

kmd