

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 4344 of 2015 (P)

PETITIONER(S):

**N.K.MOHAMMED,
PWD CONTRACTOR, NELLIKUNNAN HOUSE, CHATTIPARAMBU P.O.
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S):

- 1. THE SUPERINTENDING ENGINEER
MI CIRCLE, CAUVERY HOUSE, WEST HILL
KOZHIKODE - 673 005.**
- 2. THE EXECUTIVE ENGINEER
MI DIVISION, MALAPPURAM - 676 505.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER
MI ELECTRICAL SUB DIVISION, CHALAKKUDY
THRISSUR DISTRICT, PIN - 680 307.**
- 4. THE ASSISTANT ENGINEER
MI ELECTRICAL SUB DIVISION, MALAPPURAM - 676 505.**
- 5. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO
WATER RESOURCES DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 28/08/2014.**
- EXT.P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 29/10/2014.**
- EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 29/10/2014.**
- EXT.P4: TRUE COPY OF THE REPLY ISSUED BY THE 2ND RESPONDENT DATED 04/11/2014.**
- EXT.P5: TRUE COPY OF THE LAWYER NOTICE ISSUED TO THE RESPONDENTS DATED 15/11/2014.**
- EXT.P6: TRUE COPY OF THE REPLY NOTICE DATED 04/12/2014 ISSUED BY THE 1ST RESPONDENT.**
- EXT.P7: TRUE COPY OF THE REPLY NOTICE DATED 05/12/2014 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P8: TRUE COPY OF THE REPLY NOTICE ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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Dated, this the 4th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

(i) Issue a writ of mandamus or any other appropriate writ order or direction, directing the 3rd respondent to submit the final bill with respect to the works for the supply and erection of suction and delivery pipes in Malappuram under the MIRPA-Revamping Lift Irrigation Scheme Mampad and MRPA-Revamping Lift Irrigation Scheme Kurunthottimana forthwith.

(ii) Issue a writ of mandamus or any other appropriate writ order or direction, directing the respondents to pay amount due to the petitioner for the works for the supply and erection of suction and delivery pipes in Malappuram under the MIRPA-Revamping Lift Irrigation Scheme, Kurunthottimana forthwith with interest at the rate of 18% percent including all pending bill amount and the amount retained as retention amount.

(iii) Issue such other reliefs which may deem fit and proper on the facts and circumstances of the case; and

(iv) allow this writ petition (civil) with costs.

2. The learned counsel for the petitioner submits that work awarded to the petitioner was completed in terms of the contract well within the time and there was no complaint from any corner in this regard. Despite submitting the final bill, no positive steps have been taken to honour the same, hence the writ petition.

3. It is brought to the notice of this Court that as evident from Exts. P6 and P7 issued by the 1st and 2nd respondents, no lapse or failure on the part of the petitioner has been pointed out and that the delay is attributed to some other department, for which the petitioner is not liable.

4. The learned Government Pleader submits that for finalizing the proceedings, the measurement work is to be completed and some discrepancies found, were sought to be clarified. It is stated that steps are being taken on war footing to complete the measurement works and that the entire amount will be disbursed within the shortest possible time.

4. In the said circumstances, the writ petition is disposed of, directing the respondents to complete the measurement works and effect the disbursement of the due amount along with retention amount, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment.

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: 3 :

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd