

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 4365 of 2015 (U)

PETITIONER:

**N.KRISHNAN,
NITVE(H), T.C. 54/225(2),
PAPPANAMCODE P.O,
THIRUVANANTHAPURAM -18.**

**BY ADVS.SRI.M.R.ANANDAKUTTAN
SMT.M.A.ZOHRA
SRI.MAHESH ANANDAKUTTAN**

RESPONDENT(S):

- 1. EXECUTIVE ENGINEER,
CENTRAL PUBLIC WORKS DEPARTMENT,
(C.P.W.D)(N.H.). VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695 010.**
- 2. CHIEF ENGINEER,
CENTRAL PUBLIC WORKS DEPARTMENT,
(C.P.W.D.) (N.H.), VAZHUTHACAUD ,
THIRUVANANTHAPURAM - 695 010.**

***ADDL. R3 IMPEADED**

- 3. THE CHIEF ENGINEER, P.W.D.(NH) WING, MUSEUM,
THIRUVANANTHAPURAM - 695 003.**

**ADDL. R3 IS IMPEADED AS PER ORDER
DATED 12.03.2015 IN IA.3263/2015**

**R1 & R2 BY SRI.N.NAGARESH, A S G OF INDIA
ADDL. R3 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 4365 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 24.11.2014 IN W.P.(C) 116 OF 2011
OF THIS HONOURABLE COURT.**

**EXHIBIT P2: TRUE COPY OF THE 'NOTICE OF TAKING OVER POSSESSION
' DATED 1.10.2014.**

EXHIBIT P3: TRUE COPY OF THE 'NOTICE OF AWARD' DATED 1.10.2014.

**EXHIBIT P4: TRUE COPY OF REPRESENTATION DATED 16.1.2015 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

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

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4365 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

(i) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to complete the work of the 20 feet high retaining wall on the northern side of the petitioner's property and provide the ingress and egress to the 1st floor of the building possible, before starting work in Shree Ragom road;

(ii) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider Exhibit P4 representation, within a time frame to be fixed by this Honourable Court and provide an entry to the petitioner's building before blocking the entry from Shree Ragom road;

(iii) To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to stop works carried out in Shree Ragom road obstructing the petitioner's passage till the work of northern retaining wall is completed to enable entry to the petitioner's building from its 1st floor atleast; and

(iv) to grant such other and further reliefs

deemed fit to be granted by this Honourable Court in the facts and circumstances of the above case."

2. The learned counsel for the petitioner submits that the relief sought for would stand confined to direct the 2nd respondent to consider and pass appropriate orders on Ext.P4 representation.

3. On the last occasion, it was pointed out by the learned Assistant Solicitor General of India appearing for the respondents that, the competent authority to consider Ext.P4 was not the 2nd respondent, but the Chief Engineer, PWD (NH) Wing. It was accordingly, that the said authority has been sought to be impleaded as addl. 3rd respondent as per I.A. No.3263 of 2015, which stands already allowed by this Court.

4. In the above circumstances, there will be a direction to the 2nd respondent to forward Ext.P4 to the addl. 3rd respondent immediately, at the earliest, at any rate, within 'two weeks' from the date of receipt of a copy of this judgment, upon which, the same shall be considered and appropriate orders shall be passed in accordance with law, after affording an opportunity of hearing

to the petitioner at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with copies of the writ petition and I.A. No.3263 of 2015, before the concerned respondents, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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