

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937**

**WP(C).No. 4818 of 2014 (B)**  
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**PETITIONER'S :**  
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**K.P.VENU BALAN  
S/O.VELU EZHUTHASSAN, AGED 64 YEARS  
KILLIYAMPARAMBIL HOUSE, PAINKULAM P.O.,  
THRISSUR DISTRICT-679531.**

**BY ADVS.SRI.BINOY VASUDEVAN  
SMT.P.G.BABITHA**

**RESPONDENTS :**  
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- 1. THE EXECUTIVE ENGINEER  
PWD (ROADS DIVISION), THRISSUR – 679 501.**
- 2. THE ASSISTANT EXECUTIVE ENGINEER  
PWD (ROADS DIVISON),  
WADAKKANCHERRY – 679 520.**
- 3. THE ASSISTANT ENGINEER  
PWD ROADS DIVISION,  
CHELAKKARA-679 521.**
- 4. THE EXECUTIVE ENGINEER  
IRRIGATION DEPARTMENT,  
THRISSUR – 679 501.**
- 5. THE ASSISTANT EXECUTIVE ENGINEER  
CHEERAKUZHY SUB DIVISION, PAZHAYANNUR,  
THRISSUR DISTRICT – 679 510.**
- 6. THE ASSISTANT ENGINEER  
CHEERAKUZHY IRRIGATION PROJECT, CANAL SECTION  
CHERUTHURUTY- 679531, THRISSUR DISTRICT.**
- 7. THE TAHSILDAR  
THALAPPILY TALUK,  
WADAKKANCHERRY- 679 520**

**R1 TO R7 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-12-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**Mn**

**WP(C).No. 4818 of 2014 (B)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1:-** TRUE COPY OF THE DETAILED ESTIMATE PREPARED FOR THE  
WIDENING AND BLACK TOPPING OF PAINKULAM-THOZHUPADAM-  
CANAL ROAD.
- EXT. P2:-** TRUE COPY OF TENDER BEARING NO. 92/SECCA/2012-13.
- EXT. P3:-** TRUE COPY OF THE AGREEMENT DTD. 1/4/2013 EXECUTED BY THE  
SUPERINTENDING ENGINEER, PWD, ROADS AND BRIDGES, CENTRAL  
CIRCLE, ALUVA.
- EXT. P4:-** TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE 3RD AND  
5TH RESPONDENTS DTD. 30/9/2013.
- EXT. P5:-** TRUE COPY OF THE LETTER DTD. 9/12/2011 ISSUED BY THE  
ADDITIONAL TAHSILDAR, THALAPILLY TALUK.
- EXT. P6:-** TRUE COPY OF THE REPLY ISSUED BY THE OFFICE OF THE 6TH  
RESPONDENT DTD. 4/10/2013.
- EXT. P7:-** TRUE COPY OF THE MASS REPRESENTATION DTD. 4/2/2014

**RESPONDENT(S)' EXHIBITS :** NIL  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.4818 of 2014  
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Dated this the 18<sup>th</sup> Day of December, 2015

J U D G M E N T

This writ petition is filed for the following reliefs:

“i. issue a writ of mandamus or other appropriate writs, orders or directions commanding the respondents 1 to 3 commence the work of the road Painkulam-Thozhupadam-Canal Road as provided in Exhibit P3 agreement only after conducting a survey and leaving the necessary work space as agreed in Exhibit P4.

ii. Issue a writ to declare that the widening of the Painkulam-Thozhupadam-Canal Road without conducting the survey and demarcating the boundary area in violation of the terms of Exhibit P4 agreement is illegal and arbitrary.

iii. Render such other orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. This Court granted an interim order as prayed for, on 24/2/2014.

It is submitted that on account of the interim order, the work appears to have been put to a standstill and the contractor also had approached this Court by filing W.P.(C). No. 15511 of 2015. Therein, this Court by separate judgment today absolved the Contractor from executing the work. As the issues have been resolved in this matter, this Court is of the view that the respondents shall complete the survey and

**W.P.(C).No.4818/2014**

**-:2:-**

demarcation of the boundary in terms of Exhibit P4 agreement. This shall be done within two months and thereafter, shall award the remaining balance work through public tender.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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