

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No.4822 of 2015 (C)

PETITIONER:

**RAJESH VARKEY,AGED 35 YEARS,S/O.K.J.VARKY,
KARIMPANAKKAL HOUSE,PLACHIKKARA POSE,
PARAPPAA (VIA),KASARGOD DISTRICT.**

**BY ADVS.SRI.ABRAHAM P.GEORGE
SRI.K.VINODKUMAR (707/89)
SMT.M.SANTHY**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS AND TRANSPORT (M) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SUPERINTENDING ENGINEER,
ROADS AND BRIDGES NORTH CIRCLE,
PWD COMPLEX,MANAMCHIRA,KOZHIKODE-673 001.**

BY SENIOR GOVT. PLEADER SRI.T.PSAJID

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No.4822 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE PHOTO COPY OF THE OFFICE COMMUNICATION NO.DC.14/4307/11
DATED 8/1/2015 ISSUED BYTHE 2ND RESPONDENT, INTIMATING THE
ACCEPTANCE OF TENDER BY THE PETITIONER.**

**EXT.P2:TRUE PHOTO COPY OF THE LETTER ISSUED BY THE EXECUTIVE
ENGINEER,PWD ROADS DIVISION,KASARKODE DATED 6/2/2015
REGARDING PENDING BILL.**

**EXT.P3:TRUE PHOTO COPY OF THE JUDGMENT WPC NO.24664/2011
DATED 24/10/2011.**

**EXT.P4:TRUE PHOTO COPY OF THE JUDGMENT IN WPC NO.27709/2014
DATED 16/12/2014 OF THE HON'BLE HIGH COURT OF KERALA.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.4822 of 2015

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Dated this the 20th day of February, 2015

JUDGMENT

The case of the petitioner is that a sum of more than one crore is admittedly payable to the petitioner as borne by Ext.P2 letter issued by the Executive Engineer, PWD on 06.02.2014. The learned counsel for the petitioner submits that the petitioner does not have any objection in retaining the requisite extent from the above sum payable to the petitioner and to permit the petitioner to proceed with further steps to execute agreement in connection with the new work which has been assigned as per Ext.P1.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to permit the petitioner to execute the work agreement in pursuance of Ext.P1 within a period of one week from the date of receipt of a copy of the judgment treating the amount due to the petitioner as per Ext.P2

as security, to the requisite extent.

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

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

sj