

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 6064 of 2014 (G)

PETITIONER(S):

**M.K.SURESH,
CONTRACTOR, MALIL HOUSE, EAST KADUNGALLUR,
U.C. COLLEGE P.O., ALUVA-VIA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA,
SRI.T.K.BIJU (MANJINIKARA).**

RESPONDENT(S):

- 1. KARUMALLOOR GRAMA PANCHAYAT,
KARUMALLOOR P.O., ALUVA-VIA, ERNAKULAM DISTRICT,
PIN-683 511, REPRESENTED BY ITS SECRETARY.**
- 2. KARUMALLOOR GRAMA PANCHAYAT COMMITTEE ,
REPRESENTED BY ITS CHAIRPERSON, KARUMALLOOR P.O.,
ALUVA-VIA, ERNAKULAM DISTRICT-683 511.**
- 3. ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT SECTION,
KARUMALLOOR GRAMA PANCHAYAT, KARUMALLOOR P.O.,
ALUVA-VIA, ERNAKULAM DISTRICT-683 511.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPY OF THE BILL PREPARED BY THE 3RD RESPONDENT, ON SATISFACTORY COMPLETION OF THE WORK, ESTABLISHING THAT PETITIONER IS ENTITLED TO GET AN AMOUNT OF RS.42,215/-.
- P2 : COPY OF THE REPRESENTATION DTD. 10.05.2011 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P3 : COPY OF THE REPRESENTATION DTD. 10.09.2011 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P4 : COPY OF THE REPRESENTATION DTD. 03.01.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.
- P5 : COPY OF THE JUDGMENT DTD. 18.09.2002 IN OP NO.25741/2002 OF THIS HON'BLE COURT.
- P6 : COPY OF THE JUDGMENT DTD. 25.06.2004 IN COC NO.379/2004 OF THIS HON'BLE COURT.
- P7 : COPY OF THE ORDER DTD. 04.05.2005 OF THE HON'BLE SUPREME COURT OF INDIA IN CIVIL APPEAL NO.3148/2005.
- P8 : COPY OF THE ORDER DTD. 10.05.2005 IN SPECIAL LEAVE TO APPEAL (CIVIL)NO.9780/2005 AND CONNECTED CASES OF THE HON'BLE SUPREME COURT OF INDIA.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 6064 of 2014 (G)

Dated this the 9th day of February, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, apart from perusing the record. It is evident from the record that though notice has been served on the respondents, none has appeared on their behalf.

2. Briefly stated, the petitioner, a Civil Contractor, after completing the work awarded to him satisfactorily, is said to have raised bills in that regard. According to the petitioner, though the respondent Grama Panchayath has passed Ext.P1 bill, to this day it has not made any payments. Aggrieved thereby, the petitioner has approached this Court.

3. The learned counsel for the petitioner has submitted that in course of time, the petitioner has submitted Exts.P2 to P4 representations claiming certain other amounts over and above what has been accepted in Ext.P1 by the respondent

Grama Panchayath. At any rate, the learned counsel submits that the petitioner is willing to confine his claim to the admitted amounts in Ext.P1, and that this Court may issue a suitable direction to the respondent Grama Panchayath to pay the admitted amounts in terms of Ext.P1 to the petitioner. The learned counsel has placed reliance on Exts.P6 to P9 judgments in this regard.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, this Court disposes of the writ petition with a direction to pay the admitted amounts to the petitioner in terms of Ext.P1 for the works said to have been done by him for the Grama Panchayath, as expeditiously as possible, at any rate, within one months from the date of receipt of a copy of this judgment.

sd/- DAMA SESHADRI NAIDU, JUDGE.

