

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 10348 of 2010 (P)

PETITIONER(S):

**K.K.SHYJU, S/O.KUNJU VAREED,
KARIPPAI HOUSE, P.O.MOTHIRAKKANNI, THRISSUR.**

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S):

- 1. STATE OF KERALA REPRESENTED BY SECRETARY
WATER RESOURCES (IRRIGATION) DEPARTMENT
THIRUVANANTHAPURAM.**
- 2. THE SUPERINTENDING ENGINEER,
IRRIGATION CENTRAL CIRCLE, THRISSUR.**

BY ADV.P.V. ELIAS, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE LICENCE ISSUED BY THE SUPERINTENDING ENGINEER, ROADS & BRIDGES CENTRAL CIRCLE, ALUVA IN FAVOUR OF THE PETITIONER
- P2 : COPY OF THE LETTER DATED 19.08.2009 ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER, ACCEPTING HIS TENDER
- P3 : COPY OF THE AGREEMENT NO.15/SEICC/2009-2010 DATED 10.09.2009 BETWEEN THE PETITIONER AND THE 2ND RESPONDENT
- P4 : COPY OF THE ACKNOWLEDGMENT FORM OF HANDING OVER THE SITE TO THE PETITIONER, DATED 15.09.2009
- P5 : COPY OF THE LETTER DATED 23.03.2010 BY THE EXECUTIVE ENGINEER, ADDITIONAL IRRIGATION DIVISION ADDRESSED TO THE MANAGER FEDERAL BANK, CHALAKKUDY BRANCH
- P6 : COPY OF THE LETTER DATED 04.03.2010 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- P7 : COPY OF THE LETTER DATED 11.03.2010 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: N I L

/TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

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W.P.(C) No.10348 of 2010
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Dated this the 8th day of June, 2015

JUDGMENT

The petitioner, who is an A-class licence holder has approached this Court in this writ petition seeking a writ of certiorari to quash Exts.P6 and P7 and seeking a declaration that he is entitled to get the period for completion of work upto 15.06.2010 as stipulated in Ext.P3, for the work relating to reformation of damaged sea wall for a length of 1006m between CP 3734 and 3746 in Kadappuram Panchayat.

2. This Court, by order dated 06.04.2010, permitted the petitioner to continue with the execution of the work covered by Ext.P3 agreement and the said order reads thus:

"Heard the learned counsel for the petitioner and the learned Government Pleader. The petitioner seeks for a stay of Exhibits P6 and P7 and to allow the petitioner to execute the work in the light of the specific clauses contained in Exhibit P3 agreement. Going by Exhibit P3, the time for completion is nine months from the date of handing over of the site. It is clear from Exhibit P4 that the site was handed over on 15.09.2009 only. Therefore, there is sufficient time for the petitioner upto 14.06.2010.

2. The learned Government Pleader on instructions submitted that instructions were there from the Department to see that the work is executed before the end of the financial year as utilisation and completion certificate had to be submitted before the Chief Engineer (Irrigation and Administration). Obviously, the same will not apply to the petitioner's work. In that view of the matter, the petitioner is permitted to continue with the execution of the work covered by Exhibit P3 agreement."

In view of the order dated 06.04.2010 passed by this Court, no further orders are necessary in this writ petition. Therefore this writ petition is disposed of making that interim order absolute.

SD/-
ANIL K. NARENDRA,
JUDGE

JV