

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 7249 of 2015 (E)

PETITIONER(S):

1. DAVIS.K.J,
KONAN HOUSE, P.O.PONNOOKKARA, THRISSUR-14.
2. A.L.JOHN,
ARACKAL HOUSE, P.O.MAROTTICAL, THRISSUR.
3. JINO THAMPI,
THEKKUMCHOTTIL HOUSE, P.O.PUTHOOR, THRISSUR.
4. JAYAN V.T.,
VATTAPPARAMBIL, KALLOOR P.O., THRISSUR.
5. T.T.CHERIAN THAMPI,
THEKKUMCHUVATTIL VEEDU, P.O.PUTHOOR, THRISSUR.

BY ADV. SRI.K.I.SAGEER

RESPONDENT(S):

1. STATE OF KERALA,
REP.BY ITS PRINCIPAL SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT (DA) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PANCHAYATHS,
THIRUVANANTHAPURAM-695 001.
3. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM-695 001.
4. PUTHOOR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, P.O.PUTHOOR,
THRISSUR DISTRICT-680 001.

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A COPY OF THE AGREEMENT EXECUTED BY THE 1ST PETITIONER AND THE 4TH RESPONDENT IN RELATION TO 'SIMBOKUNNU DRINKING WATER PROJECT'.
- P2 : A COPY OF THE FORM OF TENDER SUBMITTED BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT IN RELATION TO 'PARAMOLE LIFT IRRIGATION PROJECT'.
- P3 : A COPY OF THE AGREEMENT EXECUTED BY THE 2ND PETITIONER AND THE 4TH RESPONDENT IN RELATION TO KALLUNIRAPPU DRINKING WATER PROJECT.
- P4 : A COPY OF THE AGREEMENT EXECUTED BY THE 2ND PETITIONER AND THE 4TH RESPONDENT IN RELATION TO 'TRUST CONSTRUCTION OVER TV CENTRE, MAROTTICAL.
- P5 : A COPY OF THE AGREEMENT EXECUTED BY THE 3RD PETITIONER WITH THE 4TH RESPONDENT IN RELATION TO PUTHENKADU HILL ROAD SOLING, METALING, TARING.
- P6 : A COPY OF THE AGREEMENT EXECUTED BY THE 4TH PETITIONER WITH THE 4TH RESPONDENT IN RELATION TO VELLAKARITHADAM VARAMBUPARA ROAD, SOLING, METALING AND TARING.
- P7 : A COPY OF THE AGREEMENT EXECUTED BY THE 5TH PETITIONER WITH THE 4TH RESPONDENT IN RELATION TO DISTRICT PANCHAYATH-THRISSUR-IMPROVEMENT-WORKS THONIPPARA, ANAKUZHI ROAD, S/C COLONY ROAD, PUTHOOR GRAMA PANCHAYATH.
- P8 : A COPY OF THE DECISION NO.I(S) DTD.10.1.2011 OF THE 4TH RESPONDENT.
- P9 : A COPY OF THE DECISION NO.IV(3) DTD.15.2.2013 OF THE 4TH RESPONDENT.
- P10 : A COPY OF THE LETTER NO.13576/DA2/13/LSGD DTD.13.3.2013.
- P11 : A COPY OF THE GO(RT)NO.1151/2011/PWD DTD. 3.9.2011.
- P12 : A COPY OF THE GO(RT)NO.2284/2011/LSGD DTD.1.10.2011.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7249 of 2015

Dated this the 10th day of March, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to sanction and disburse 15% more amount than the estimate rate for the works done by the petitioners as per Ext.P1 to P7 without any further delay.

b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to take a decision on Ext.P9 expeditiously in the light of Ext.P11 and P12 within the time limit fixed by this Hon'ble Court.

c) Issue such other appropriate writs, orders or directions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. The learned counsel for the petitioners points out that, the grievance of the petitioners has already been projected by way of Ext.P9, which is pending consideration before the first respondent. It is also stated that, Ext.P9 has now been forwarded by the first respondent to the second respondent, who is to consider the matter, as the impugned proceeding is a resolution

taken by the committee of the Panchayat. It is stated that, the petitioners will be satisfied, if a direction is given to the second respondent to have it considered and disposed of accordingly.

3. Despite the completion of service of notice, the 4th respondent Panchayat has not chosen to appear before this Court.

4. In the said circumstances, the writ petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext.P9 in accordance with law, after affording an opportunity of hearing to the petitioner and also to the 4th respondent, in the light of Ext.P11, as expeditiously as possible, also taking note of the fact that, if a decision is not taken on or before 31.03.2015, the funds are likely to lapse.

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

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

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