

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 7546 of 2015 (P)

PETITIONER(S):

**V.U.KUNHAMMED, AGED 61 YEARS,
S/O.MOIDEEN HAJI, PWD CONTRACTOR,
VAZHAYIL UMMINIKKADAVATH HOUSE, POST MATTATHUR,
OTHUKKUNGAL (VIA), MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE DISTRICT COLLECTOR,
MALAPPURAM, COLLECTORATE,
POST MALAPPURAM, PIN - 676 505.**
- 3. THE EXECUTIVE ENGINEER,
IRRIGATION DIVISION, MALAPPURAM DISTRICT,
PIN,- 676 505.**
- 4. THE PARAPPURA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, POST PARAPPUR,
MALAPPURAM DISTRICT, PIN - 676 503.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 7546 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE GO (MS) NO.429/2009/RD DATED 30.10.2009.**
- P2: THE TRUE COPY OF THE MEMO WORK ISSUED BY THE THIRD RESPONDENT.**
- P3: THE TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN PETITIONER
AND THIRD RESPONDENT DATED 03.09.2010.**
- P4: THE TRUE COPY OF THE PROCEEDINGS OF THIRD RESPONDENT
DATED 03.09.2010.**
- P5: THE TRUE COPY OF THE COMMON JUDGMENT IN WPC. 957/2013 AND
985/2013 OF THIS HONOURABLE COURT DATED 17.06.2013.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7546 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to take steps to pay the balance amount of Rs.5,88,067/-as per the final bill submitted by the petitioner.

ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th respondent to pay the balance amount of 50% of the final bill submitted by the petitioner.

And

iii) Pass any other appropriate writ, order or direction which this Hon'ble Court may deem fit to issue and the petitioner may pray from time to time."

2. The learned counsel for the petitioner places reliance on Ext.P5 judgment dated 17.06.2013 rendered by this Court in WP (C) Nos.957 and 985 and seeks to extend similar benefit to the petitioner as well.

3. Despite the completion of service of notice, the 4th

respondent Panchayath has not chosen to appear before this Court.

4. Heard the learned Government Pleader appearing for the respondents 1 to 3 as well.

5. After hearing both the sides, this Court finds that the petitioner is also entitled to succeed. In the said circumstances, there will be a direction to the respondents to take steps to disburse the balance amount due to the petitioner, in the light of Ext.P5 judgment, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment.

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

The writ petition is disposed of.

Sd/-

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

sp