

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 7979 of 2015 (V)

PETITIONER(S):

**P.C. CHERIYACHAN,
CONTRACTOR, PUTHIYAMDATHIL HOUSE, KUNNACKAL P.O.,
MUVATTUPUZHA VIA, ERNAKULAM DISTRICT, PIN - 682 316.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. EXECUTIVE ENGINEER,
LSGD DIVISION, KAKKANAD, ERNAKULAM,
KOCHI - 682 030.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
LDGD SUB DIVISION, EDAPPALLY BLOCK PANCHAYAT,
ERNAKULAM DISTRICT, PIN - 682 024.**
- 3. ASSISTANT ENGINEER,
LSGD SECTION, KADAMAKUDY GRAMA PANCHAYAT,
KOCHI - 682 027.**
- 4. BINDU PRASAD,
ASSISTANT ENGINEER, LSGD SECTION,
KADAMAKUDY GRAMA PANCHAYAT, KOCHI - 682 027.**

R1-R3 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 7979 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE SELECTION NOTICE NO. A2-107/2013 DATED 15/02/2013
ISSUED BY THE 1ST RESPONDENT.**

**EXT.P2: TRUE COPY OF THE LETTER NO. A1-107/2013 DATED 26/02/2013 SENT BY
THE 1ST RESPONDENT TO THE 2ND RESPONDENT.**

**EXT.P3: TRUE COPY OF THE ACCEPTED SCHEDULE OF THE AGREEMENT INCLUDING
THE ACCEPTED RATE.**

**EXT.P4: TRUE COPY OF THE ACKNOWLEDGEMENT FORM OF HANDING OVER THE
SITE TO THE PETITIONER ISSUED BY THE 3RD RESPONDENT.**

**EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 19/01/2015 SUBMITTED BY
THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 7979 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner is a contractor. He has approached this Court for the following reliefs :

- i) Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to record the measurements of the entire metalling, earth filling and side protection works executed by the petitioner, on executing agreement No.189/EE/LSGD/12-13 dated 26.2.2013, forthwith and to record the bill and disburse the payment with interest minimum at the treasury rate with effect from 23.8.2013;
- ii) Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 1st respondent to consider and dispose of Ext.P5 representation, forthwith;
- iii) Issue such other writ, order or direction which may deem fit in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner confined his prayer to consider Ext.P5

representation. Therefore, leaving other issues in the writ petition, there shall be a direction to the 1st respondent to consider and pass orders on Ext.P5 within a period of two months after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

bpr