

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).NO. 9471 OF 2015 (H)

PETITIONER(S):

**K.C. ANTONY, S/O.LATE CHACKO,
AGED 57 YEARS, CONTRACTOR,
KAITHACKAL HOUSE, CHEMMALAMATTOM P.O.,
ERATTUPETTA VIA., KOTTAYAM DISTRICT-686 529.**

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

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.**
- 2. CHIEF TECHNICAL OFFICER AND
SUPERINTENDING ENGINEER,
KSRRDA (KERALA STATE RURAL ROADS
DEVELOPMENT AGENCY), TC-28/885, CSI BUILDING,
PULIMOOD, THIRUVANANTHAPURAM -695 001.**
- 3. EXECUTIVE ENGINEER,
PROGRAMME IMPLEMENTATION UNIT,
DISTRICT PANCHAYAT, KOTTAYAM-686 001.**

BY SR. GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE COMPLETION CERTIFICATE DATED 17-08-2009 ISSUED BY THE 2ND RESPONDENT.
- EXT.P2 TRUE COPY OF THE CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 12-11-2013 TO THE PETITIONER
- EXT.P3 TRUE COPY OF THE LETTER DATED 01-01-2014 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P3(A) TRUE COPY OF THE ACKNOWLEDGMENT RETURNED TO THE PETITIONER, PURSUANT TO THE SERVICE OF EXT P3 AT THE OFFICE OF THE 3RD RESPONDENT.
- EXT.P4 TRUE COPY OF THE REPLY DATED 16-01-2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P4(A) TRUE PHOTOCOPY OF THE POSTAL ACKNOWLEDGMENT RETURNED TO THE PETITIONER AFTER THE SERVICE OF EXT P4 LETTER AT THE OFFICE OF THE 2ND RESPONDENT.
- EXT.P5 TRUE COPY OF THE LETTER DATED 12-05-2014 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P6 TRUE COPY OF THE POSTAL ACKNOWLEDGMENT RETURNED TO THE PETITIONER UPON SERVING EXT P5 AT THE OFFICE OF THE 3RD RESPONDENT.
- EXT P7 TRUE COPY OF THE PROCEEDING DATED NIL ISSUED BY THE 2ND RESPONDENT.
- EXT.P8 TRUE COPY OF THE LETTER DATED 11-06-2014 SENT BY THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P9 TRUE COPY OF THE REPRESENTATION DATED 13-11-2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P9(A) TRUE COPY OF THE POSTAL ACKNOWLEDGMENT UPON SERVICE OF EXT P9 REPRESENTATION AT THE OFFICE OF THE 3RD RESPONDENT.

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**EXT.P10 TRUE COPY OF THE ORDER DATED 10-03-2015 ISSUED BY
THE 2ND RESPONDENT.**

**EXT.P11 TRUE COPY OF THE REPRESENTATION DATED 20-03-2015
SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9471 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P10 order of the 2nd respondent;

ii. Issue a writ of certiorari or any other appropriate writ, order or direction commanding the 2nd respondent to consider and dispose of Ext.P11 representation, forthwith;

iii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to permit the petitioner to carry out all the rectification/maintenance works, the non-execution of which was resulted in Ext.P10 order of the 2nd respondent, forthwith, and to disburse the entire payments due to the petitioner, immediately after executing the said maintenance works, as may be suggested by the respondents or their subordinate officials;

iv. Issue such other writ, order or direction, as this Hon'ble Court may deem fit, fair and proper in the facts and circumstances of the case."

2. The learned counsel for the petitioner submits that the actual facts and figures have not been properly considered by the 2nd respondent while passing Ext.P10. It is stated that, the grievance of the petitioner has been highlighted by way of

Ext.P11, which is pending consideration before the second respondent and that the prayer is to cause the same to be considered and finalised within a reasonable time.

3. Heard the learned Government Pleader as well.

4. In view of the limited extent of relief sought for and proposed to be given, this Court does not find it necessary to deal with the merits of the case.

5. In the above circumstances, there will be a direction to the second respondent to consider and pass appropriate orders on Ext.P11, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

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

The writ petition is disposed of.

Sd/-

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