

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 9484 of 2015 (I)

PETITIONER(S):

**M.J.THOMAS, AGED 62 YEARS,
S/O.M.C.JOHN, MALIYAKKAL HOUSE, EDACOCHIN,
COCHIN-682 006.**

**BY ADVS.SRI.ANIL GEORGE
SRI.JOBY JACOB PULICKEKUDY**

RESPONDENT(S):

- 1. KERALA WATER AUTHORITY,
JALABHAVAN, THIRUVANANTHAPURAM - 695 001.**
- 2. CHIEF ENGINEER (CENTRAL REGION),
KERALA WATER AUTHORITY,
NEAR GENERAL HOSPITAL, KOCHI - 682 018.**
- 3. THE SUPERINTENDING ENGINEER,
PH CIRCLE, NEAR GENERAL HOSPITAL, KOCHI-2.**
- 4. THE EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
WATER SUPPLY DIVISION, KOCHI-682 018**
- 5. THE DISTRICT COLLECTOR & SECRETARY,
GIDA (LSGD), COLLECTORATE, KAKKANAD - 682 030.**
- 6. THE SECRETARY TO FINANCE, FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

*** ADDITIONAL R7 IMPEADED**

- 7. SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT,
THIRUVANANTHAPURAM.**

*** ADDL.R7 IMPEADED AS PER ORDER DATED 17.07.2015 IN IA 9941/15.**

**R1 & R2 BY SRI.GEORGE MATHEW, SC
R5 BY ADV. SRI.VARGHESE K.PAUL
R7 BY SPECIAL GOVERNMENT PLEADER SRI.P.V.LONACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 9484 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE PHOTOCOPY OF THE AGREEMENT DATED 11.12.2012 SIGNED
BETWEEN THE PETITIONER AND THE 3RD RESPONDENT**

**EXHIBIT P2: TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT
DATED 24.11.2014**

**EXHIBIT P3: TRUE PHOTOCOPY OF THE VOUCHER ISSUED BY THE
4TH RESPONDENT TO BANK OF INDIA, M.G.ROAD, ERNAKULAM IN THE
NAME OF THE PETITIONER FOR AN AMOUNT OF RS.30,43,247/-**

RESPONDENT(S)' EXHIBITS:

EXT.R5(a): THE TRUE COPY OF THE G.O. (RT) NO.621/10.LSGD DTD.24.2.2010.

**EXT.R5(b): THE TRUE COPY OF THE EXTRACT OF THE 28TH GENERAL COUNCIL
MEETING OF GIDA HELD ON 12.2.2013.**

**EXT.R5(c): THE TRUE COPY OF THE LETTER NO.GIDA/887/2008 DTD.4.3.2013 ISSUED
BY THE SECRETARY OF GIDA ADDRESSED TO THE ADDITIONAL
7TH RESPONDENT.**

**EXT.R5(d): THE TRUE COPY OF THE LETTER NO.GIDA/887/2008 DTD.1.11.2014 ISSUED
BY THE 5TH RESPONDENT ADDRESSED TO THE ADDITIONAL
7TH RESPONDENT.**

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.9484 of 2015

Dated this the 7th day of December, 2015

JUDGMENT

The petitioner has undertaken the work on Goshree Islands Development Authority (for short, the 'GIDA') Deposit Work-Water Supply Scheme to Kadamakudy Panchayat-construction, testing and commissioning of five lakhs liters capacity OHSR at Kothad in Kadamakudy Panchayath.

2. The Water Authority implemented the project on behalf of the 5th respondent (GIDA). The petitioner has approached this Court on account of delay in disbursing the amount.

3. The learned counsel for the GIDA points out that it is on account of delay in obtaining necessary sanction from the Government, the disbursement is delayed. If the sanction is obtained, they will make available necessary fund with the

Water Authority for disbursing the fund to the petitioner.

4. Learned counsel for the GIDA points out that Ext.R5 (d) communication of the District Collector & Secretary, Goshree Islands Development Authority to the Secretary to Government, Local Self Government (IA) Department.

Considering the facts and circumstances, following directions are issued:

- i. The Government shall take appropriate decision on the request for Administrative & Expenditure sanction within one month from the date of receipt of a copy of this judgment.
- ii. Thereafter, the Government shall disburse the fund to the 5th respondent within a further period of one month.

- iii. The 5th respondent shall release the fund to the 1st respondent within a further period of two weeks.
- iv. The 1st respondent shall release the fund to the petitioner within a further period of two weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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