

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 9771 of 2015 (V)

PETITIONER(S):

**PADIYOTTUCHAL - KOLLADA ROAD JANAKEEYA
SAMRAKSHANA SAMITHI,
REPRESENTED BY ITS CONVENOR, BABY JOSEPH, S/O JOSEPH
AGED 53 YEARS, ANAKKALLINGAL HOUSE, PO PADIYOTCHAL
KANNUR DISTRICT-670 307.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVT.
PUBLIC WORKS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-697 001.**
- 2. THE CHIEF ENGINEER, P.W.D. ROADS AND BRIDGES,
THIRUVANANTHAPURAM 697 001.**
- 3. THE ASSISTANT ENGINEER, PWD SUB DIVISION, BRIDGES SECTION,
PULIKKUNNU, KASARGOD 671 123.**
- 4. THE SUPERINTENDING ENGINEER, PWD ROADS AND BRIDGES,
NORTH CIRCLE, CALICUT 673 647.**
- 5. DELCON ENGINEERING PVT.. LTD,
REPRESENTED BY AUTHORISED OFFICER
CHATTAYMCHAL THEKKIL PO, KASARGOD DISTRICT 671 541.**

R1-4 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 9771 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PETITION DATED 06.1.2015 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS 1 TO 4

EXHIBIT P2: TRUE COPY OF THE PETITION DATED 06.1.2015 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF MINISTER, KERALA

EXHIBIT P3: TRUE COPY OF THE REPLY NOTICE DATED 21.2.2015 RECEIVED FROM THE OFFICE OF THE HON'BLE CHIEF MINISTER , KERALA TO THE PETITIONER

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9771 of 2015

Dated this the 1st day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent No.2 to consider and pass appropriate orders on Ext.P1 and P2 representations, by affording an opportunity of being heard to the petitioner samithi, and within a time frame as may be fixed by this Hon'ble Court.

ii. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 1 to 4 not to pay any amount to the 4th respondent in respect of the construction/widening of the Padiyottuchal-Kollada Road till a final decision is staken on Exts.P1 and P2 representations by the 2nd respondent.

iii. To award the cost of these proceedings to the petitioners;

iv. To grant such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

The learned counsel for the petitioner submits that Ext.P1 petition was preferred by the petitioner before the Hon'ble Chief Minister of Kerala. The petitioner has been let known as per

Ext.P3 proceedings that the same was forwarded to the 2nd respondent and it is pending before the said respondent. The prayer is only to cause the same to be considered and disposed of within a reasonable time.

2. Heard the learned Government Pleader as well.

3. Considering the limited nature of relief sought for, this Court does not find it necessary to go into the merits of the case or to issue notice to the 5th respondent for the time being. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P1 in accordance with law, after giving an opportunity of hearing to the petitioner and the 5th respondent, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps.

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