

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 11106 of 2015 (K)

PETITIONER:

SANTHOSH S., AGED 45 YEARS
RESIDING AT KRISHNA VILAS, TC 16/795, JAGATHY
THIRUVANANTHAPURAM 14.

BY ADV. SRI.M.R.SASITH

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, PWD, BUILDING & LOCAL WORKS,
PUBLIC OFFICE, THIRUVANANTHAPURAM, 33.
2. THE CHIEF ENGINEER,
PWD, BUILDING DIVISION,
THIRUVANANTHAPURAM -33.
3. EXECUTIVE ENGINEER
PWD, BUILDING DIVISION, THIRUVANANTHAPURAM-33.
4. AZHICODE LABOUR CONTRACT CO-OPERATIVE SOCIETY LTD NO.T.1544
AZHICODE CHEKKACONAM P.O, KARAKULAM
NEDIMANGADU REPRESENTED BY ITS SECRETARY-695001.
5. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695001.
6. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
THIRUVANANTHAPURAM-695001.
7. STATE OF KERALA
REPRESENTED BY THE SECRETARY (CO-OPERATIVE) SECRETARIAT
THIRUVANANTHAPURAM-695001.

R BY GOVERNMENT PLEADER SRI. K.C.VINCENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 11106 of 2015 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE E-TENDER BEARING TENDER REFERENCE NUMBER E62/EE/TVM/2014-15 AND BEARING TENDER ID 2015-PWD-29669-1 DATED 9.3.15 PUBLISHED IN THE [HTTPS://ETENDERS.KERALA.GOV.IN](https://etenders.kerala.gov.in) ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P2. COPY OF THE BID SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT P3. COPY OF THE COMPARITIVE CHART DATED 25.3.15 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P4. COPY OF THE WORK IN HAND CERTIFICATE DATED 20.3.15 ISSUED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) NEDUMANBGADU.

EXHIBIT P5. COPY OF THE ELIGIBILITY CERTIFICATE DATED 29.11.14 ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) THIRUVANANTHAPURAM.

EXHIBIT P6. COPY OF G.O(MS)NO.135/97/CO-OP DATED 13.11.97.

EXHIBIT P7. COPY OF G.O(MS)NO.44/04 PWD DATED 19.3.04.

EXHIBIT P8. COPY OF THE CERTIFICATE BEARING NUMBER 47/2014 DATED 14.1.15 ISSUED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) NEDUMANGADU.

EXHIBIT P9. COPY OF THE CERTIFICATE DATED 25.2.15 ISSUED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) NEDUMANGADU.

EXHIBIT P10. COPY OF THE REPRESENTATION DATED 30.3.15 PREFERRED BY THE PETITIONER BEFORE THE RESPONDENTS 2 AND 3.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 11106 of 2015

Dated this the 6th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. To strike down the Exhibit P6 and P7 orders giving preferential treatment to the 4th respondent and similarly situated co-operative societies in the post tender stage as unconstitutional.

ii. To issue a writ of mandamus directing the 3rd respondent to produce records connected with Ext.P1 and P3 proceedings and direct the 3rd respondent to confirm the tender in favour of the petitioner.

iii. To quash Ext.P4 certificate issued by the 5th respondent.

iv. To quash Ext.P5 certificate issued by the 6th respondent.

v. To direct the respondents 2 and 3 to consider Ext.P10 representation within time limit fixed by the Hon'ble Court."

The learned counsel for the petitioner submits that the grievance of the petitioner has also been projected by way of Ext.P10 pending consideration before the 2nd and 3rd respondents. The prayer is 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 particular facts and circumstances of the case and the limited relief sought for, this Court does not find it necessary to go into the merits of the case or to issue notice to the 4th respondent for the time being. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P10 in accordance with law, after giving an opportunity of hearing to the petitioner, 4th respondent and other interested parties, if any, 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 concerned respondent for further steps.

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