

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 11636 of 2015 (D)

PETITIONER :

**R. MOHANDAS, AGED 48 YEARS,
S/O. K.N.RAGHAVAN, GOVERNMENT CONTRACTOR,
SHANTHI NIKETH, CHIRAKKAL P.O., KANNOOR**

**BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.AJITH KRISHNAN**

RESPONDENTS :

- 1. THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 01**
 - 2. THE PRINCIPAL SECRETARY
IRRIGATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM**
 - 3. THE ADDITIONAL CHIEF SECRETARY
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 01**
 - 4. THE CHIEF ENGINEER
IRRIGATION DEPARTMENT, THIRUVANANTHAPURAM 695033**
 - 5. THE SUPERINTENDING ENGINEER
IRRIGATION SOUTH CIRCLE, THIRUVANANTHAPURAM 33**
- R1 TO R5 BY GOVERNMENT PLEADER SMT. C.K. SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE GO(RT)NO.738/90/IR.D. DATED 05.11.1990 ISSUED BY THE 2ND RESPONDENT.
- P2: TRUE COPY OF THE JUDGMENT DATED 31.03.2003 IN OS.NO.538/95 ON THE FILE OF PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.
- P3: TRUE COPY OF THE COMMON JUDGMENT DATED 02.08.2013 IN RFA.NO.373/2003 AND 254/2004.
- P4: TRUE COPY OF THE REPRESENTATION DATED 19.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT
- P5: COPY OF THE RELEVANT PAGES OF THE M-BOOK IN RESPECT OF PETITIONER'S WORK.

RESPONDENT(S)' EXHIBITS :

- EXT.R1(a): COPY OF THE STATEMENT SHOWING THE DETAILS FOR THE AMOUNT DUE TO THE WRIT PETITIONER.
- EXT.R1(b): COPY OF THE RECEIPT REGARDING THE PAYMENT DEPOSITED TO THE COURT DT 9/12/2014.
- EXT.R1(c): COPY OF THE PAYMENT DEPOSITED TO THE CURT DT 23/6/2001.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.11636 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner is a Government Contractor. He undertook the work of "ASE Work constructing a Sea Wall". As per Ext.P1 Government Order, the Government accepted the rate of 99% above the estimate rate. The petitioner has agreed to do the work at the rate recommended by the Tender Committee. The petitioner was filed a suit before the Principal Sub Court, Thiruvananthapuram and a decree has been passed in the suit.

2. The petitioner submits that in the light of the above facts and circumstances, the petitioner is entitled for the decree amount along with 99% excess as per Ext.P1. The petitioner approached the second respondent.

This Court is of the view that the petitioner's request shall be considered by the second respondent in the light of Ext.P1 within a period of two months after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE