

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11706 of 2015 (K)

PETITIONER(S):

**M/S.HOTEL HIGHWAY PALACE
NH-47, PEECHI JUNCTION, PATTIKKAD
TRICHUR
REPRESENTED BY ITS MANAGING PARTNER JOHN JOSEPH
AGED 62 YEARS, S/O.JOSEPH, PARAKKAL HOUSE, MANNUTHY.P.O.
THRISSUR.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S):

- 1. SOUTHERN RAILWAY
REPRESENTED BY ITS SENIOR DIVISIONAL COMMERCIAL MANAGER
THIRUVANANTHAPURAM-695 001.**
- 2. THE SENIOR DIVISIONAL COMMERCIAL MANAGER
SOUTHERN RAILWAY, THIRUVANANTHAPURAM. 695 001.**
- 3. THE SENIOR SECTION ENGINEER (WORKS)
SOUTHERN RAILWAY, KOTTAYAM-686 001.**

**BY SRI.C.S.DIAS,SC, RAILWAYS
BY SRI.K.C.VINCENT, SR GOVERNMENT PLEADER.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE COPY OF THE LETTER OF AWARD NO.V/C.79/ATG/VRRKTYM/14, DATED 18.02.2014.

EXT.P2- TRUE COPY OF THE BILL FOR WATER CHARGES DATED NIL ISSUED IN FAVOUR OF KOLLAM STALL.

EXT.P3- TRUE COPY OF THE BILL FOR WATER CHARGES DATED NIL ISSUED IN FAVOUR OF KOLLAM STALL.

EXT.P4- TRUE COPY OF THE BILL FOR WATER CHARGES DATED 04.09.2014 ISSUED IN FAVOUR OF KOTTAYAM STALL.

EXT.P5- TRUE COPY OF THE BILL FOR WATER CHARGES DATED 02.02.2015 ISSUED IN FAVOUR OF KOTTAYAM STALL.

EXT.P6- TRUE COPY OF THE NOTICE NO.KTYM/W/12/14-15 DATED 03.03.2005 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

P.R. RAMACHANDRA MENON J.

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Dated, this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- "(i) To call for the records relating to Exts. P1 to P6 and to issue a writ of certiorari quashing Exts. P5 and P6 demand of water charges at the rate of Rs.105/- per KL as violative of constitutional mandate under Article 14 and 19 (1) (g) of the Constitution of India;
- (ii) To issue any writ, order or direction commanding the respondents to refund the excess amount collected from the petitioner as per Ext. P4 billing by adjusting the same in the future bills;
- (iii) To issue any writ, order or direction commanding the respondents to charge the petitioner only with the normal charges levied for water supplied which is at the rate of Rs.25/- per KL in Kottayam Railway Station is excessive unreasonable and arbitrary.
- (iv) Any other appropriate writ, order or direction also may be granted to meet out justice under the circumstances of the case."

2. Heard the learned standing counsel appearing for the respondents, who submits that in an exactly similar matter, vide

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judgment dated 27.02.2015 in W.P.(C) No. 4908 of 2015, this Court directed the 1st respondent to consider and pass appropriate orders on Ext. P8 appeal preferred therein within the specified time (as mentioned therein) and that similar course can be pursued in this case as well.

3. After hearing both the sides, this Court finds that the writ petition can be disposed of, relegating the petitioner to file an appeal against Exts. P5 and P6 before the first respondent within two weeks from the date of receipt of a copy of this judgment (if it is still to be filed). On such event, the 1st respondent shall consider and pass appropriate orders thereon, in terms of the relevant provisions of law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within three months thereafter

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

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

kmd