

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 11933 of 2015 (N)

PETITIONER(S):

**A.B. GOPALAKRISHNAN,
AMBALATHINKAL (H), KULAYATTIKKARA (PO),
ARAYANKAVU, ERNAKULAM.**

**BY ADVS.SRI.K.B.ARUNKUMAR,
SRI.RANJIT BABU.**

RESPONDENT(S):

- 1. KERALA WATER AUTHORITY, 'JALABHAVAN',
VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695 033, REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE MANAGING DIRECTOR
KERALA WATER AUTHORITY, 'JALABHAVAN',
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695 033.**
- 3. THE CHIEF ENGINEER, CENTRAL REGION,
KERALA WATER AUTHORITY, KOCHI, PIN - 682 011.**
- 4. THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H. DIVISION, KOCHI - 682 016.**
- 5. T.G.RAJASHEKARAN,
RETIRED SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, 'PRANAVOM',
SUNORA CHURCH ROAD, ELAMKULAM,
KADAVANTHARA (PO), ERNAKULAM, PIN - 682 020.**
- 6. JOSE V.FRANCIS @ JOSHY
S/O.FRANCIS, VALIYAPARAMBIL VEEDU,
NORTH KALOOR, KOCHI - 682 017.**

**R1 TO R4 BY ADV. SRI.GEORGE MATHEW, SC.
R6 BY ADV. SRI.P.K.MUHAMMED.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE REPLY DATED 14.11.2014 OBTAINED BY THE PETITIONER UNDER THE PROVISIONS OF RIGHT TO INFORMATION ACT ALONG WITH HIS APPLICATION.
- EXT.P2: THE TRUE COPY OF THE FIR IN CRIME NO.457/2004 OF KOCHI CITY POLICE.
- EXT.P3: THE TRUE COPY OF SECTION 161 CR.P.C STATEMENTS OF THE WITNESSES.
- EXT.P4: THE TRUE COPY OF THE FINAL REPORT FILED BY THE POLICE IN C.C.NO.3457/2008 NOW PENDING ON THE FILE OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
- EXT.P5: THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE 6TH RESPONDENT.
- EXT.P6: TRUE COPY OF THE REPLY DATED 05.11.2013 OBTAINED BY THE PETITIONER UNDER THE PROVISIONS OF RIGHT TO INFORMATION ACT ALONG WITH HIS APPLICATION.
- EXT.P7: THE TRUE COPY OF THE REPRESENTATION DATED 11.11.2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P8: THE TRUE COPY OF THE REPRESENTATION DATED 09.10.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.P9: TRUE COPY OF THE JUDGMENT IN S.C. NO.192/2005 ON THE FILE OF THE SESSIONS COURT, ERNAKULAM.

RESPONDENT'S EXHIBITS:-

- EXT.R6A COPY OF THE JUDGMENT DATED 17/12/2014 IN WP(C).NO.30468/2014(G).
- EXT.R6B COPY OF THE ORDER DATED 14/01/2013 OF THE MANAGING DIRECTOR, KERALA WATER AUTHORITY, JALA BHAVAN, THIRUVANANTHAPURAM.
- EXT.R6C COPY OF THE NEWSPAPER REPORT APPEARED IN THE MATHRUBHUMI DAILY DATED 01/08/2003.
- EXT.R6D COPY OF THE STATEMENT DATED 20/01/2015 FILED BY THIS RESPONDENT BEFORE THE MANAGING DIRECTOR, KERALA WATER AUTHORITY, JALA BHAVAN, THIRUVANANTHAPURAM.
- EXT.R6E COPY OF THE JUDGMENT DATED 01/04/2014 IN WP(C).NO.9477/2014.

//TRUE COPY//

rs.

P.A. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.11933 of 2015

Dated this the 11th day of September, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- i. issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd respondent to recall/cancel the “B” Class license granted to the 6th respondent,
- ii. issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd respondent to stop payment bills for the works carried out by the 6th respondent,
- iii. issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd respondent to take appropriate steps against the concerned officers under the 1st respondent for issuing “B” class license to the 6th respondent without following the procedure for the same.

2. In fact, the petitioner’s main grievance is that 2nd respondent has issued “B” Class licence to the 6th respondent. The petitioner has no other grievances in this matter other than based on the allegation that the 6th respondent is not a person of worthy

character to obtain a licence from the 2nd respondent. The petitioner's *locus standi* has not been stated before this Court.

3. The petitioner is not an aggrieved person to espouse the cause against the 6th respondent. The petitioner has to invoke the public law remedy being aggrieved persons. The petitioner now states that the petitioner being a genuine contractor, the 6th respondent shall not be given "B" class licence.

This Court is of the view that since the petitioner is not an aggrieved person individually by granting "B" class licence to the 6th respondent; this Court need not consider any of the prayers of the petitioner as the petitioner failed to establish the *locus standi* to challenge the licence issued to the 6th respondent.

In view of the above, this writ petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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