

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 12840 of 2014 (D)

PETITIONER(S):

**K.P. MUHAMMED ABDURAHIMAN,
S/O.BAVAKUTTY HAJI, EDAYATH HOUSE,
POOZHIKUNNU P.O., PWD CONTRACTOR,
POST ALATHIYUR, TIRUR TALUK,
MALAPPURAM DISTRICT.**

**BY SRI.T.KRISHNAN UNNI, SENIOR ADVOCATE.
ADVS. SRI.SAJU.S.A.,
SRI.K.C.KIRAN,
SRI.M.DEVESH.**

RESPONDENT(S):

**1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM-695 001.**

**2. CHIEF ENGINEER,
CIVIL CIRCLE NORTH, VYDHYUTHI BHAVAN,
KOZHIKODE-673 011.**

**3. DEPUTY CHIEF ENGINEER,
CIVIL CIRCLE, KSEB, KOZHIKODE-673 001.**

**R1 TO R3 BY ADVS. SMT.P.K.RADHIKA, SC,
SRI.JAICE JACOB, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 12840 of 2014 (D)

J U D G M E N T

The petitioner is consistently absent. Writ petition is dismissed for default.

23/06/2015.

SD/- K.VINOD CHANDRAN, JUDGE

//TRUE COPY//

P.A TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P.(C) No. 12840 of 2014 (D)

Dated this the 1st day of December, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P6 order, passed on a representation filed by the petitioner, on which the petitioner claims he had right of hearing.

2. It is to be noticed that the petitioner's claim is with respect to a work which was awarded to the petitioner in the year 1998 and terminated allegedly for the default of the petitioner. The petitioner had been consistently before this Court with different writ petitions claiming consideration of representations filed. This Court had directed such consideration by Exts. P1 and P4. Eventually, the petitioner was released amounts as per Ext.P6, being an amount of Rs.49,124/-; on the computation made.

3. Essentially, it is to be noticed that the relationship of the petitioner with the K.S.E. Board is purely contractual and it may not be proper for this Court to adjudicate such issues under Article 226 of the Constitution of India going by the decision in **K.K. Saksena v. International Commission on Irrigation and Drainage and others - (2015) 4 SCC 670**. However, the petitioner could definitely take up his remedies before the appropriate Court in accordance with law.

The writ petition would stand dismissed, leaving open such remedy, subject to the law of limitation.

Sd/-
K.VINOD CHANDRAN,
JUDGE