

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14818 of 2015 (S)

PETITIONER :

JACOB JOHN, AGED 51 YEARS
S/O. MATHAI JOHN (LATE), PALAMOOTTIL VADAKKETHIL
MATHOOR P.O., PATHANAMTHITTA.

BY ADV. SRI.A.J.VARGHESE

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
LOCAL SELF GOVERNMENT (EW) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN-695 001.
2. CHIEF ENGINEER
LOCAL SELF GOVERNMENT DEPARTMENT, 3RD FLOOR
REVENUE COMPLEX, PUBLIC OFFICE BUILDING
THIRUVANANTHAPURAM, PIN-695 033.
3. DIRECTOR OF PANCHAYATS
LOCAL SELF GOVERNMENT DEPARTMENT
PUBLIC OFFICE BUILDING, MUSEUM P.O.
THIRUVANANTHAPURAM, PIN-695 033.
4. THE CONVENER
STATE DECENTRALIZATION COORDINATION COMMITTEE
PLANNING BOARD, SECRETARIAT, THIRUVANANTHAPURAM
PIN-695 001.

BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14818 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE ESTIMATE FOR THE WORK OF THE MATHOOR
MAHATMA GANDHI ROAD RE-TARRING IN CHENEERKARA GRAMA
PANCHAYAT IN THE YEAR 2014-15.

EXHIBIT P2- TRUE COPY OF THE G.O. DATED 27-6-2012 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P2(A)- TRUE ENGLISH TRANSLATION OF EXT. P2.

EXHIBIT P3- TRUE COPY OF THE G.O. DATED 28-9-2013 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P4- TRUE COPY OF THE JUDGMENT DATED 20-1-2015 IN WPC
NO. 28179/2013.

EXHIBIT P5- TRUE COPY OF THE ORDER DATED 30-4-2015 ISSUED BY THE
1ST RESPONDENT.

EXHIBIT P5(A)- TRUE ENGLISH TRANSLATION OF EXT. P5.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 14818 OF 2015

Dated this the 21st day of May, 2015

JUDGMENT

Shaffique, J.

This writ petition is filed in the form of Public Interest Litigation inter alia seeking for the following reliefs:

"i. To issue a writ of mandamus or any other appropriate writ, order or direction declaring that Clause No.2 of Ext.P5 order which stipulates that only those public works of which the estimate amount is Rs.5 lakhs and below alone can be executed either by the beneficiary committees or by the inviting tenders is contrary to the Rules published by the 1st respondent under Section 254(2) (xi) of the Kerala Panchayat Raj Act, 1994.

ii. To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to permit the beneficiary committees to carry out works upto Rs.15 lakhs in the light of Rules and Ext.P2 Government order issued by the 1st respondent.

Iii. To declare that e-tendering is applicable only in the cases wherein tenders are invited and further declare that e-tendering is inapplicable as far as the works carried out by the beneficiary committees are concerned."

2. The main contention urged by the petitioner is that in terms of Ext.P2 the beneficiary committee was permitted to carry on the works having an estimate of Rs.5 lakhs upto Rs.15 lakhs. By virtue of Ext.P5, the Government had restricted the

beneficiary committee to carry on the works only having an estimate rate below Rs.5 lakhs.

3. First of all no specific instance has been pointed out by which the beneficiary committee is denied any work above Rs.5 lakhs. Secondly, Ext.P2 is a Government Order dated 27.06.2012 and Ext.P5 is a Government Order dated 30.04.2013. Whether a particular work having an estimate of Rs.5 lakhs or above is to be entrusted to the beneficiary committee are all policy matters which cannot be interdicted by this Court in a Public Interest Litigation. It is always open for the Government to take appropriate action in the matter. Hence there is no justification in interfering with Ext.P5 order issued by Government at this stage.

We do not find any public interest involved in the matter. Accordingly, the Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**