

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 15565 of 2015 (U)

PETITIONER:

**P.M.UMMER,
PALAMADATHIL HOUSE,
KANNAMANGALAM WEST,
MALAPPURAM-676 305.**

**BY DR.K.P.SATHEESAN (SENIOR ADVOCATE)
ADVS. SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI**

RESPONDENT(S):

- 1. THE JOINT DIRECTOR,
COASTAL ENGINEERING FIELD STUDIES,
THRISSUR-685 020.**
- 2. THE DEPUTY DIRECTOR,
COASTAL ENGINEERING FIELD STUDIES,
SUB DIVISION, KOZHIKODE-673 009.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE LETTER GIVEN BY THE FIRST RESPONDENT TO THE PETITIONER DATED 2.5.2014.
- P2 : TRUE COPY OF THE LETTER DATED 10.6.2014 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.
- P3 : TRUE COPY OF THE ORDER NO.D1.447/2012 DATED 2.8.2014 IS ISSUED BY THE FIRST RESPONDENT.
- P4 : TRUE COPY OF THE JUDGMENT DATED 27.8.2014 IN WPC NO.21151/2014.
- P5 : TRUE COPY OF THE JUDGMENT DATED 29.10.2014 IN WPC NO.27400/2014.
- P6 : TRUE COPY OF THE RELEVANT PAGE OF THE BOOK MAINTAINED BY THE OVERSEER OF THE PETITIONER.
- P7 : TRUE COPY OF THE ORDER NO.D1.585/2012 DATED 7.3.2015 ISSUED BY THE FIRST RESPONDENT.
- P8 : TRUE COPY OF THE ORDER NO.D1-585/2012 DATED 6.4.2015 ISSUED BY THE FIRST RESPONDENT.
- P9 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 18.5.2015.

RESPONDENTS' EXHIBITS & ANNEXURE:

ANNEXURE R1(A) : TRUE COPY OF THE RELEVANT PAGE OF PWD
MANUEL REVISED EDITION 2012.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 15565 of 2015 U

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner is awarded two contracts by the 1st respondent for planting “control point stones” and “alignment stones” along the coast under Coastal Erosion Study Section, Thalassery. There were two different contracts; first a distance of 25Kms through the coastal belt from stone No. 2627 to stone No 2750 and the other for a distance of 25Kms through the coastal belt from Kasaragod to Thalasserty from stone No.2751 and ending with stone No.2874. The petitioner could not complete the work within the time stipulated.

2. The petitioner was before this Court when earlier a threat of termination was levelled by the respondents. By Exts.P4 and P5 the petitioner was permitted to complete the work, considering the circumstance of the respondent being driven into a fresh notification and also the fact that the funds for the work

being allotted from the Central scheme, lapsing on 31.03.2015. The petitioner was directed to execute the supplementary agreement and was also directed to complete the work within the time as stipulated therein. The work which was the subject matter of Ext.P4 has now been completed.

3. However, as per Ext.P5 the petitioner has completed only $\frac{1}{2}$ of the work and the petitioner prays that he would in fact complete the entire work if breathing time is granted. It is to be noticed that even at the earlier point of time, the petitioner's request was identical to that now projected. Going by Ext.P5 the site was handed over to the petitioner as early as on 24.4.2012. The petitioner having not completed the work within the time stipulated, termination was threatened, upon which the petitioner came before this Court. The petitioner specifically undertook before this Court that he would complete the work before 31.03.2015. This Court, as a matter of indulgence as also considering the convenience of the Department directed the

petitioner to execute a supplementary agreement and complete the work as per the undertaking.

4. The petitioner has not executed the work within the time stipulated or that undertaken before this Court, as evident in Ext.P5. The petitioner even now contends that the Department would not be prejudiced if the petitioner continues the work. However, it is to be noticed that the petitioner's attempt is only to absolve himself from the liability which would visit him as is indicated in Annexure R1(a). The learned Government Pleader also submits that even after 31.3.2015 various opportunities were given to the petitioner to complete the work which he did not comply with. At this distance of time this Court is not inclined to permit or grant a further extension to the petitioner.

Writ petition would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy/

P.A to Judge