

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 17056 of 2015 (F)

PETITIONER : -

T.A. XAVIER, AGED 67 YEARS,
S/O.AUGUSTINE, CONTRACTOR,
M/S.T.A.XAVIER & SONS, THAREPARAMBIL HOUSE,
PALLURUTHY PO, KOCHI-682006.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH

RESPONDENTS : -

1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. KOLLAM CORPORATION,
CORPORATION OFFICE, KOLLAM, PIN-691 001,
REPRESENTED BY ITS SECRETARY.
3. SUPERINTENDING ENGINEER, KOLLAM CORPORATION,
CORPORATION OFFICE, KOLLAM, PIN-691 001.
4. KOLLAM CORPORATION COUNCIL,
OFFICE OF THE KOLLAM CORPORATION, KOLLAM, PIN-691 001,
REPRESENTED BY ITS MAYOR.
5. CHIEF ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT,
REVENUE COMPLEX, 3RD FLOOR, PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM, -695 033.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA
BY SRI.M.K.CHANDRA MOHAN DAS,SC,KOLLAM CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17056 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE AGREEMENT No.117/SEC/2010-11/ENR DATED 10-1-2011 EXECUTED BETWEEN THE PETITIONER AND 2ND RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE NOTICE DATED 28-5-2014 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P3 : TRUE COPY OF THE RELEVANT PORTION OF AGENDA DATED 7-7-2014 OF THE MEETING OF THE 4TH RESPONDENT SCHEDULED TO 11-7-2014.

EXHIBIT P4 : TRUE COPY OF THE DECISION DATED 11-7-2014 OF THE 4TH RESPONDENT.

EXHIBIT P4(a) : TRUE COPY OF THE LETTER DATED 23-9-2014 OF THE MAYOR OF 4TH RESPONDENT FORWARDED TO THE 1ST RESPONDENT.

EXHIBIT P5 : TRUE COPY OF THE LETTER DATED 27-9-2014 OF THE MAYOR OF 4TH RESPONDENT FORWARDED TO THE HON'BLE MINISTER FOR URBAN DEVELOPMENT.

EXHIBIT P6 : TRUE COPY OF THE LETTER DATED 28-11-2014 OF THE 3RD RESPONDENT FORWARDED THE 5TH RESPONDENT.

EXHIBIT P7 : TRUE COPY OF THE LETTER DATED 3-12-2014 OF THE 3RD RESPONDENT FORWARDED THE 5TH RESPONDENT.

EXHIBIT P8 : TRUE COPY OF THE DETAILS OF ADDITIONAL WORKS ALLOTTED IN FURTHERANCE TO EXT P1.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 17056 of 2015

Dated this the 09th day of June, 2015

JUDGMENT

Alleging inaction on the part of the respondent in delaying the approval for the request mooted by the Mayor of Kollam Corporation in Exhibit P4(a) submitted before the first respondent and Exhibit P5 request before the Hon'ble Minister for Urban Affairs, the petitioner has come up before this Court.

2. Petitioner is a contractor by profession. On executing Exhibit P1 agreement dated 10.01.2011, the construction of Polayathodu Shopping Complex of Kollam Corporation was awarded to the petitioner. However, the site required for executing the work in full-fledged manner was handed over to the petitioner only in pursuance to Exhibit P2 proceeding dated 28.5.2014 of the third respondent, and the petitioner was prevented from executing

the work in a full-fledged manner for about 3 ½ years. In the above circumstances, it was decided by the third respondent Corporation Council to award 2012 Schedule of Rates for the works executed by the petitioner after 1.11.2012 and seeking approval of the first respondent, the Mayor of the Corporation submitted Exhibit P4(a) request before the first respondent and Exhibit P5 request before the Hon'ble Minister for Urban Affairs. However, besides the lapse of more than eight months, no attention is given to the said request of the Mayor.

3. Heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the first respondent to take decision on Exhibits P4(a) and P5.

Considering the nature of the submission, this writ petition is disposed of directing the first respondent to consider and pass appropriate orders on Exhibit P4(a) within a period of one month from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the first respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

DMR/-