

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 18823 of 2015 (C)

PETITIONER(S) :

D PRASANTH AGED 38 YEARS
S/O.DEVARAJAN, ATTIPRA VEEDU, ARASUMOOD
KULATHOOR PO, THIRUVANANTHAPURAM DISTRICT 695583

BY ADV. SRI.K.K.SETHUKUMAR

RESPONDENT(S) :

1. THE SECRETARY, VETTIKAVALA BLOCK PANCHAYATH
VETTIKAVALA PO, KOTTARAKKARA TALUK, KOLLAM DISTRICT
PIN 691538
2. THE ASST. EXECUTIVE ENGINEER
LSGD SUB DIVISION, VETTIKAVALA BLOCK PANCHAYATH
VETTIKAVALA PO, KOTTARAKKARA TALUK, KOLLAM DISTRICT
PIN 691538
3. THE ASST. ENGINEER
LSGD, VETTIKAVALA BLOCK PANCHAYATH, VETTIKAVALA PO
KOTTARAKKARA TALUK, KOLLAM DISTRICT, PIN 691538

R1 BY ADV. SRI.K.V.ANIL KUMAR

R2-3 BY ADV.ANITHA RAVINDRAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-
11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18823 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:TRUE COPY OF THE AGREEMENT NO.19/07-08 DTD.24.03.2008
P2:TRUE COPY OF THE REQUEST OF THE PETITIONER DATED 30.03.2012 GIVEN TO
THE 1ST RESPONDENT
P3:TRUE COPY OF THE COMPLETION CERTIFICATE ISSUED BY THE EXECUTIVE
ENGINEER,
LSGD DATED 14.12.2012
P4:TRUE COPY OF THE RESOLUTION PASSED BY THE BLOCK PANCHAYATH
COMMITTEE, DATED 28.04.2012
P5:TRUE COPY OF THE REQUEST OF THE PETITIONER DATED 02.03.2015 GIVEN TO
THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

K.HARILAL, J.

W.P(C)NO. 18823 OF 2015

Dated this the 25th day of November, 2015

JUDGMENT

The petitioner is a qualified A Class PWD contractor. He was entrusted to execute a road work named Kottavattom-Madanthakuzhy Harijan Kolony road under NABARD/RIDF as per Ext.P1 agreement by the first respondent. As per the agreement, the petitioner has completed the work with an additional quantity of work in addition to the estimated quantity and thereafter the petitioner has made Ext.P2 request to the first respondent to make payment of final bill of the work including the additional work done, in the above work. After obtaining Ext.P3 completion certificate from the Executive Engineer, LSGD division, District Panchayath, Kollam, the Block Panchayath Committee passed Ext.P4 resolution on 28.4.2012, resolving to pay an amount of ₹2,44,000/- (Rupees Two lakhs forty four thousand only) towards the cost of additional work done by the petitioner. But the

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respondents have not taken any action on the said resolution to pay the said amount. Aggrieved by the inaction on the part of the respondents, the petitioner made Ext.P5 representation. But, the first respondent has not taken any action on Ext.P5 representation so far. These are the grievances projected by the petitioner in this writ petition.

2. Heard both the sides. The interest of justice and equity demands that the grievance of the petitioner shall not be allowed to remain unattended by the respondents. It is needless to say, the first respondent is liable to take a decision in the above matter. Therefore, the first respondent is directed to consider Exts.P3 to P5 and pass orders accordingly, at any rate within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

K.HARILAL, JUDGE

sks

