

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19686 of 2015 (I)

PETITIONER :

**SMEERAJ B.S., AGED 31 YEARS,
S/O.LATE BABU, CONTRACTOR, KALLUVILA VEEDU,
PATTUVILAKOM, KATTAYIKONAM P.O., KZHAKKOOTTAM,
THIRUVANANTHAPURAM 695 584.**

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

RESPONDENTS :

**1. CORPORATION OF THIRUVANANTHAPURAM
PALAYAM, THIRUVANANTHAPURAM - 695 033
REPRESENTED BY ITS SECRETARY.**

**2. CORPORATION ENGINEER,
CORPORATION OF THIRUVANANTHAPURAM,
PALAYAM THIRUVANANTHAPURAM 695 033.**

R1 & R2 BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE SELECTION NOTICE DATED 3.3.2013 ISSUED BY THE 1ST RESPONDENT.
- P2: TRUE COPY OF THE REPRESENTATION DATED 7.6.13 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.
- P3: TRUE COPY OF THE REPRESENTATION DATED 10.9.2013 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.
- P4: TRUE COPY OF THE REPRESENTATION DATED 7.7.2013 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.
- P5: TRUE COPY OF THE SELECTION NOTICE NO.E5/37/09 DATED NIL, ISSUED BY THE 1ST RESPONDENT.
- P6: TRUE COPY OF THE SELECTION NOTICE NO.UE2/P.NO.88/09-10 DATED 3.11.2009 ISSUED BY THE 1ST RESPONDENT
- P7: TRUE COPY OF THE REPRESENTATION DATED 10.10.2010 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.
- P8: TRUE COPY F THE SELECTION NOTICE NO.ZKZM/776/12 DATED 10.2.2012 ISSUED BY THE 1ST RESPONDENT.
- P9: TRUE COPY OF THE SCHEDULE OF THE WORK INVOLVED IN EXT P8 SELECTION NOTICE.
- P10: TRUE COPY OF THE REPRESENTATION DATED 8.7.2012 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.
- P11: TRUE COPY OF THE SCHEDULE OF THE WORK FOR THE PROTECTIVE WORKS OF ROAD ISLAND AT MANAVEEYAM ROAD, VELLAYAMBALAM - PALAYAM ROAD.
- P12: TRUE COPY OF THE MEMO DATED 6.10.2012 ISSUED BY THE 2ND RESPONDENT.
- P13: TRUE COPY OF THE REPRESENTATION DATED 8.7.12 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS
- P14: TRUE COPY OF THE APPROVED SCHEDULE OF THE WORK CONSTRUCTION OF A BOX CULVERT IN PLACE OF EXISTING PIPE CULVERT IN BETWEEN MUNNATTU JUNCTION AND COLONY AT BEEMAPALLY TO AVOID WATER STAGNATION IN ALUKADU.
- P15: TRUE COPY OF THE PROCEEDING DATED 9.10.2012 OF THE 2ND RESPONDENT.
- P16: TRUE COPY OF THE PROCEEDING DATED 7.9.2009 OF THE 2ND RESPONDENT

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P17: TRUE COPY OF THE PROCEEDING DATED 18.9.2009 OF THE 2ND RESPONDENT.

P17(A): TRUE COPY OF THE REPRESENTATION DATED 14.3.2013 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS.

P18: TRUE COPY OF THE REPRESENTATION DATED 20.1.2013 SUBMITTED BY HTE PETITIONER BEFORE THE RESPONDENTS

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

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Dated this the 1st day of July, 2015

J U D G M E N T

Challenging the delay on the part of the respondents in recording the measurements and disbursing payment for the works executed two to six years ago, the petitioner has come up before this Court.

2. The petitioner is a contractor by profession. He alleges that on executing various agreements, different works were executed by him two to six years ago, in respect of which the respondents have failed to record measurements and to release payment. He further alleges that he had executed the works after availing loan from the bank. According to him, any delay in recording the measurements of the works and releasing payment, would affect him prejudicially. His grievance is that though he filed various representations including Ext.P18 to record the measurements and to release payment, no

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action has been taken by the respondents. According to the petitioner, he is entitled for the admitted bill amount with interest minimum at the treasury rate with effect from the date of completion of work in the light of a decision of a Division Bench of this Court reported in **Anirudhan v. State of Kerala** [1999 (3) KLT 1] and a decision of a Full Bench of this Court reported in **State of Kerala v. Anil** [2002 (1) KLT 371]. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent corporation.

4. When the matter was taken up, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent corporation to consider and pass appropriate orders on Ext.P18 representation within a time frame.

Considering the nature of the submission, this writ petition is disposed of directing the respondent corporation

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to consider and pass appropriate orders on Ext.P18 representation after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-