

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C) .No. 20112 of 2014 (L)

PETITIONER(S) :

P.H.ABDULKHARIM
GOVERNMENT CONTRACTOR, PUTHIYEDATH, MUTTOM,
ALUVA-683 106.

BY ADVS.SRI.K.L.VARGHESE (SR.)
SMT.SANTHA VARGHESE
SRI.RAHUL VARGHESE
SRI.RANJITH VARGHESE.

RESPONDENT(S) :

1. THE SUPERINTENDING ENGINEER,
PWD (R&B) CENTRAL CIRCLE, ALUVA-683 101.
2. THE EXECUTIVE ENGINEER,
PWD ROADS DIVISION, THRISSUR.
3. THE UNDER SECRETARY TO GOVERNMENT,
PUBLIC WORKS (C) DEPARTMENT,
THIRUVANANTHAPURAM (REPRESENTING STATE OF KERALA).
4. THE ASSISTANT COMMISSIONER (ASSESSMENT),
COMMERCIAL TAXES DEPARTMENT,
SPECIAL CIRCLE, THRISSUR.
5. THE MANAGING DIRECTOR,
OUSHADHI, THE PHARMACEUTICAL CORPORATION (IM),
KERALA LIMITED (A GOVERNMENT OF KERALA UNDERTAKING),
KUTTANELLUR P.O., THRISSUR-680 014.

*ADDL. R6 & R7 ARE IMPEADED

R6. PRINCIPAL SECRETARY TO THE GOVT.,
FINANCE DEPARTMENT, THIRUVANANTHAPURAM.

R7. SECRETARY TO THE GOVT.
PWD DEPARTMENT, THIRUVANANTHAPURAM.

(*ADDL. R6 & R7 ARE IMPEADED AS PER ORDER DATED 20/09/2014
IN IA 12384/2014.)

BY SPECIAL GOVERNMENT PLEADER SRI.GEORGE MECHARIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : COPY OF THE JUDGMENT DTD.6.9.2000 IN OP NO.23389/2000 OF THIS HON'BLE COURT.
- EXT. P2 : COPY OF THE JUDGMENT DTD.25.2.2002 IN WA NO.216/2001 OF THIS HON'BLE COURT.
- EXT. P3 : COPY OF THE JUDGMENT DTD.6.4.2001 IN CCC NO.929/2000-S OF THIS HON'BLE COURT.
- EXT. P4 : COPY OF THE ORDER DTD.11.1.2010 IN EP NO.95/2006 IN WA NO.216/2001 OF THE IIND ADDL. SUB JUDGE, THRISSUR.
- EXT. P5 : COPY OF THE JUDGMENT DTD.6.7.2010 IN WPC NO.20621/2010 OF THIS HON'BLE COURT.
- EXT. P6 : COPY OF THE COMMUNICATION DTD.14.12.2012 OF THE IIND ADDL.SUB JUDGE, THRISSUR TO THE DISTRICT TREASURY OFFICER, THRISSUR.
- EXT. P7 : COPY OF THE STATEMENT SUBMITTED BY THE DISTRICT TREASURY OFFICER, THRISSUR BEFORE THE HON'BLE SUB COURT NO.II, THRISSUR, DTD.7.1.2013.
- EXT. P8 : COPY OF EA NO.362/2013 IN EP NO.95/2006 FILED BY THE PETITIONER BEFORE THE IIND ADDL. SUB JUDGE, THRISSUR, DTD.18.2.2013.
- EXT. P9 : COPY OF THE INTERIM ORDER OF THE IIND ADDL. SUB JUDGE, THRISSUR, DTD.6.6.2013.
- EXT. P10: COPY OF THE COMMUNICATION NO.A2.56/12 DTD.12.4.2013 OF THE 5TH RESPONDENT ADDRESSED TO THE 4TH RESPONDENT.
- EXT. P11: COPY OF THE COUNTER AFFIDAVIT IN WPC NO.16439/2013 DTD.30.7.2013.
- EXT. P12: COPY OF THE ORDER DTD.22.1.2014 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.20112 OF 2014 (L)

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner had filed this writ petition seeking a release of the amount due to the petitioner, in respect of the work done by the petitioner for the respondents. The prayer in the writ petition was essentially for a direction to the respondents to make the payments in accordance with the decree in W.A.No.216/2001. When the case was taken up today, it was submitted by the learned Special Government Pleader appearing on behalf of the respondents that, by an order dated 2.3.2015, the Government had issued a General Letter of Credit for an amount of Rs.16,31,294/- in favour of the Executive Engineer, Roads Division, Thrissur, for the purposes of settling the decretal amount in W.A.No216/2001. Learned senior counsel for the petitioner would state that, if the amount sanctioned by the Government through the order dated 2.3.2015, is paid to the petitioner expeditiously, then nothing further remains to be adjudicated in the present writ petition.

2. I have heard the learned Special Government Pleader, who would submit that an expeditious payment of the amounts sanctioned

in favour of the petitioner, can be effected through the 2nd respondent.

On a consideration of the submissions made on either side, I dispose the writ petition by recording the submission of the learned Special Government Pleader with regard to the order dated 2.3.2015 of the Government, sanctioning an amount of Rs.16,31,294/- in favour of the petitioner towards settlement of the decretal amount in W.A.No.216/2001. I further direct the 2nd respondent to take expeditious steps to ensure that the amounts, sanctioned in favour of the petitioner, are disbursed to him immediately, and at any rate, within a period of six weeks from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp