

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 19902 of 2015 (K)

PETITIONER:

**V.RAJEENDRANATH,
PROPRIETOR, NATH CONSTRUCTIONS, 28/309A,
'NATH' THONDAYAD - KOOTTOOLY ROAD,
CHEVARAMBALAM P.O., KOZHIKODE - 673 017.**

**BY ADVS.SRI.K.BABU THOMAS
SMT.MARYKUTTY BABU**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO THE
GOVERNMENT PUBLIC WORKS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE CHIEF ENGINEER, PWD,
NATIONAL HIGHWAYS, PUBLIC OFFICE BUILDINGS,
THIRUVANANTHAPURAM - 695 033.**
- 3. THE SUPERINTENDING ENGINEER, PWD,
NATIONAL HIGHWAYS, NORTH CIRCLE,
KOZHIKODE - 673 001.**
- 4. THE EXECUTIVE ENGINEER,
PWD N.H DIVISION, KOZHIKODE - 673 001.**
- 5. UNION OF INDIA,
REP. BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT & HIGH WAYS,
CENTRAL GOVERNMENT SECRETARIAT, NEW DELHI - 110 001.**
- 6. THE DIRECTOR GENERAL,
MINISTRY OF ROAD TRANSPORT & HIGH WAYS, NO.1,
PARLIAMENT STREET, NEW DELHI - 110001.**
- 7. THE REGIONAL OFFICER,
MINISTRY OF ROAD TRANSPORT & HIGH WAYS,
PUBLIC OFFICE BUILDINGS, THIRUVANANTHAPURAM - 695 033.**

**R1 TO R4 BY SENIOR GOVT. PLEADER SRI.S.ABDUL SALAM
R5-R7 BY SRI.N.NAGARESH, A S G OF INDIA
SRI.M.L.SURESH KUMAR, CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF RELEVANT PORTION OF AGREEMENT NO.4/2009-2010/SE/NH/KKD FOR THE WORKS.
- P2- TRUE COPY OF COMPLETION CERTIFICATE ISSUED BY THE 3RD RESPONDENT FOR THE WORKS COMPLETED 16.3.2010.
- P3- TRUE COPY OF ORDER OF THE 2ND RESPONDENT RATING FORMAL APPROVAL OF THE DEVIATIONS AND THE WORK SLIP FOR RS.60,30,813/-
- P4- TRUE COPY OF ORDER FOR RELEASE OF RETENTION AMOUNT OF RS.4,71,898/- RECOVERED FROM THE FIRST PART BILL.
- P5- TRUE COPY OF LETTER OF THE 2ND RESPONDENT TO THE 6TH RESPONDENT FOR FORECLOSURE OF EXT.P1 AGREEMENT.
- P6- TRUE COPY OF REPRESENTATION OF THE PETITIONER REQUESTING PAYMENT OF RS.5,42,500/- AND FOR RELEASE OF RETENTION AMOUNT OF RS. 4,71,898/-
- P7- TRUE COPY OF LETTER OF THE 4TH RESPONDENT TO THE PETITIONER.
- P8- TRUE COPY OF THE FINAL BILL PREPARED BY THE OFFICERS OF THE RESPONDENTS WITH NET AMOUNT OF RS. 5,09,950/-
- P9- TRUE COPY OF LETTER OF THE 3RD RESPONDENT TO THE PETITIONER INTIMATING REQUIREMENT OF FORECLOSURE.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ANIL K. NARENDRAN, J.

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W.P.(C) No.19902 of 2015
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Dated this the 18th day of August, 2015

JUDGMENT

The petitioner has approached this Court in this writ petition aggrieved by non-payment of Rs.5,09,950/- included in Ext.P8 bill dated 16.03.2010 for value of works carried out and completed for Rehabilitation of Korapuzha Bridge at km 233/200 of National Highway-17 included in agreement No.4/2009-2010/SE/NH/KKD dated 18.09.2009 of the 3rd respondent, a relevant extract of which is produced as Ext.P1.

2. The learned counsel for the petitioner would submit that the petitioner has submitted Ext.P6 representation before the 6th respondent seeking disbursement of the aforesaid amount and for the time being, the petitioner will be satisfied if this Court dispose of this writ petition directing the 6th respondent to consider and pass appropriate orders on Ext.P6 representation within a time limit.

3. I heard the arguments of the learned counsel for the petitioner, the learned Government Pleader appearing for

respondents 1 to 4 and also the learned Central Government Counsel appearing for respondents 5 to 7.

Since the petitioner, for the time being is satisfied with disposal of Ext.P6 representation by the 6th respondent, this writ petition is disposed of without going into the merits of the rival contentions, directing the 6th respondent to consider and pass appropriate orders on Ext.P6 representation submitted by the petitioner, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment, with notice to the petitioner.

SD/-
ANIL K. NARENDRA,
JUDGE

JV