

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 20560 of 2014 (T)

PETITIONER(S):

1. FATHAHULLA C.P., AGED 37 YEARS,
S/O.LATE KADER ELLA, CHERIYAPOURA HOUSE,
AGATTI ISLAND.
2. P.C.BADER, AGED 48 YEARS, S/O.LATE KASMI V.,
PUTHIYA CHETTA HOUSE, AGATTI ISLAND.
3. KAISER KHAN T.P.,AGED 35 YEARS
S/O.MALIKAN KOYA P.,
THEKKU PUTHIYA ILLAM HOUSE, AGATTI ISLAND.
4. FEROS KHAN KOYA E.P., AGED 39 YEARS,
S/O.HATHIM T.C., EKKAR PALLI HOUSE, AGATTI ISLAND.
5. ABDUL SALAM E.C., AGED 38 YEARS,
S/O.BAMBAN M.S., ELLA CHETTA HOUSE,
AGATTI ISLAND.
6. NOUSHAD C., AGED 34 YEARS,
S/O.KUNHIKOYA B., CHEMMATHODA HOUSE,
AGATTI ISLAND.

BY ADV. SRI.R.RAMADAS

RESPONDENT(S):

1. THE ADMINISTRATOR,
UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND - 682 555.
2. THE DIRECTOR,
DIRECTORATE OF PORT, SHIPPING AND AVIATION,
UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI ISLAND - 682 555.
3. THE DEPUTY COLLECTOR, AGATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP - 682 555.

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4. T.A.BADER, AGATTI ISLAND,
UNION TERRITORY OF LAKSHADWEEP 682 555.

R1 TO R3 BY SRI.S.RADHAKRISHNAN, SC
R4 BY ADVS. SRI.M.P.KRISHNAN NAIR
SRI.V.B.NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE TENDER NOTICE DATED 19.06.2014 PUBLISHED BY THE 2ND RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE REPRESENTATION OF THE PETITIONERS 3 & 5 BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

EXT.R1(A) : A TRUE COPY OF THE MINUTES OF TECHNICAL EVALUATION COMMITTEE DATED 14.8.2014.

EXT.R4(A) : TRUE COPY OF THE TENDER DOCUMENTS SUBMITTED BY THE 4TH RESPONDENT TO THE AUTHORITIES.

EXT.R4(B) : TRUE COPY OF THE LETTER DATED 2.9.2014 ISSUED UNDER RIGHT TO INFORMATION ACT TO THE 4TH RESPONDENT.

EXT.R4(C) : TRUE COPY OF THE TENDER SUBMITTED BY P.P.ABOOSALIH FOR THE WORK OF SPECIAL REPAIR TO RESIDENTIAL BUILDING AT KITTAN/SPECIAL REPAIR TO QUARTERS TYPE I AT KILTAN.

EXT.R4(D) : TRUE COPY OF THE E-TENDER NOTICE DATED 20.8.2014 ISSUED BY LPWD, KALPENI.

EXT.R4(E) : TRUE COPY OF THE CERTIFICATE DATED 19.4.2011 ISSUED IN FAVOUR OF THE 4TH RESPONDENT.

EXT.R4(F) : TRUE COPY OF THE CERTIFICATE DATED 4.4.2001 ISSUED IN FAVOUR OF THE 4TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 20560 of 2014

Dated this the 4th day of February, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- “a) issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to cancel the tender (Ext.P1) in respect of Agatti Island and to re-tender the works for the cargo barges and passenger ships in the Agatti Island.*
- b) issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to permit the petitioners to participate in the tender in respect of the works in cargo barges and passenger ships in Agatti Island by inviting fresh tenders;*
- c) issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to consider and pass appropriate orders on Ext.P2 representation submitted by the petitioners 3 and 5, as expeditiously as possible, within a time limit to be fixed by this Hon'ble Court.*
- d) issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent not to award the tender in respect of the works pursuant to Ext.P1 tender notice in Agatti Island, pending disposal of the above Writ petition (Civil).”*

2. Counter affidavit has been filed by the concerned

respondents. Today when the matter is taken up for consideration the learned standing counsel appearing for the respondents 1 to 3 points out that, based on the representations received from different corners with regard to the grievance projected against Ext.P1 (in so far as Agatti Island is concerned). Administration has taken a decision to cancel the tender in respect of Agatti Island and to go on with Ext.P1 in respect of other Islands concerned. It is stated that a re-notification is proposed to be issued in respect of Agatti Island and all eligible participants who are desirous of participating in the tender and qualified in terms of the revised tender notification to be issued, could very well participate in the said exercise.

3. In the above circumstances, no further orders are necessary in the writ petition and the same stands closed, accordingly. 'Earnest Money Deposit' collected from the petitioners and other similarly situated persons shall be refunded without any delay.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.