

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937**

**WP(C).No. 21356 of 2015 (S)**  
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**PETITIONER(S):**  
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**TOMY THOMAS, AGED 50 YEARS,  
S/O. THOMAS, KARIYILAKULAM HOUSE, VATTAPPARA,  
CHEMPALAM P.O., IDUKKI DISTRICT.**

**BY ADVS.SRI.S.JIJI  
SRI.NAIJU RAVINDRANATH**

**RESPONDENT(S):**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY,  
PUBLIC WORKS DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM - 695 002.**
- 2. THE SECRETARY,  
FINANCE DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM - 695 002.**
- 3. THE CHIEF ENGINEER,  
PWD, ROADS AND BRIDGES, THIRUVANANTHAPURAM - 695 002.**
- 4. THE SUPERINTENDING ENGINEER,  
PWD ROADS AND BRIDGES, CENTRAL CIRCLE, ALUVA- 683 101.**
- 5. THE EXECUTIVE ENGINEER,  
ROADS DIVISION, PAINAVE, IDUKKI - 685 602.**
- 6. THE ASSISTANT EXECUTIVE ENGINEER,  
PWD ROADS SUB DIVISION, NEDUMKANDAM - 685 556.**
- 7. THE ASSISTANT ENGINEER,  
PWD ROADS SECTION, NEDUMKANDAM - 685 556.**

**BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1-TRUE COPY OF THE WORK RATE OF PROGRESS IN TENDER  
NO. 148/SECCA/2011-12.**

**EXHIBIT-P2-TRUE COPY OF THE LETTER SUBMITTED BY THE CONTRACTOR TO THE  
4TH RESPONDENT DATED 15/05/2012.**

**EXHIBIT-P3-TRUE COPY OF THE ORDER OF APPROVAL DATED 02/11/2012.**

**EXHIBIT-P4-TRUE COPY OF THE LETTER DATED 05/07/2012 GIVEN TO THE  
4TH RESPONDENT.**

**EXHIBIT-P5-TRUE COPY OF THE LETTER DATED 17/09/2012 GIVEN TO THE  
4TH RESPONDENT.**

**EXHIBIT-P6-TRUE COPY OF THE ORDER DATED 18/12/2014 OF THE  
4TH RESPONDENT.**

**EXHIBIT-P7-TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT  
DATED 05/08/2014.**

**EXHIBIT-P8-TRUE COPY OF THE DECISION DATED 14/01/2014 OF THE TALUK  
DEVELOPMENT COMMITTEE.**

**EXHIBIT-P8(A)-THE ENGLISH TRANSLATION OF EXHIBIT-P8**

**EXHIBIT-P9-TRUE COPY OF THE LETTER ADDRESSED TO THE 2ND RESPONDENT  
ALONG WITH DECISION TAKEN BY THE PANCHAYATH DATED 05/09/2014.**

**EXHIBIT-P9(A)-THE ENGLISH TRANSLATION OF EXHIBIT-P9**

**EXHIBIT-P10-TRUE COPY OF THE LETTER ADDRESSED TO THE PWD MINISTER  
DATED 16/12/2014 ALONG WITH DECISION DATED 28/11/2014.**

**EXHIBIT-P10(A)-TRUE ENGLISH TRANSLATION OF EXHIBIT-P10 BY THE  
4TH RESPONDENT TO THE 1ST RESPONDENT.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE.**

Msv/

**ASHOK BHUSHAN, CJ**

**&**

**A.M.SHAFFIQUE, J.**

**\* \* \* \* \***

**W.P.C.No.21356 of 2015**

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Dated this the 7<sup>th</sup> day of August 2015

**J U D G M E N T**

**Ashok Bhushan, CJ**

Heard learned counsel for the petitioner and the learned Government Pleader.

2. This writ petition has been filed as a public interest litigation raising the grievance regarding non-completion of PWD road due to negligence and laxity on the part of the respondents which resulted in the withdrawal of the work by the Contractor. Petitioner in the writ petition has prayed for the following reliefs:

i) *Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to take immediate necessary steps to re-estimate and retender the Vattappara-Kattadikkavala-Thovala-Erattayar Road - Km.2/450 to 3/300 within a time frame decided by this Hon'ble Court.*

ii) *Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to complete the work of the Vattappara-Kattadikkavala-Thovala-Erattayar Road - Km.2/450 to 3/300 after retendering the same within a time frame decided by this Hon'ble Court.*

*l ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to initiate proper disciplinary action against the officers who has caused lapses and laxity in duty which resulted in the withdrawal of the work by the contractor of the Vattappara-Kattadikkavala-Thovala-Erattayar Road - Km.2/450 to 3/300 as per Tender No.148/SECCA/2011-12 and subsequent loss to the Government."*

3. The learned Government Pleader was allowed time to obtain instructions. After obtaining instructions, the learned Government Pleader submits that the estimate has already been prepared and is submitted for approval. It is also submitted that immediately after the approval is received, steps will be taken to start the re-tendering process.

In view of the aforesaid, we are of the view that no purpose will be served in keeping the writ petition pending. This writ petition is disposed of with the observation that appropriate steps shall be taken after the estimate is approved.

(sd/-)

**(ASHOK BHUSHAN, CHIEF JUSTICE)**

(sd/-)

**(A.M.SHAFFIQUE, JUDGE)**

jsr





