

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 25323 of 2012 (M)

PETITIONER:

HAMEED M.P., S/O.PODIYAN,
AGED 49 YEARS,
MOOSDI HOUSE, UPPALA P.O., KASARAGODE
REP. BY SECRETARY,
MOOSODY ADHEEKA LABOUR CONTRACT CO-OP.SOCIETY LTD.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

1. THE DIRECTOR OF PORTS,
THIRUVANANTHAPURAM.

2. THE PORT CONSERVATOR,
PORT OFFICE, KASARAGODE 671 121.

3. MANGALPADY GRAMA PANCHAYATH
REP. BY ITS SECRETARY, MANGALPADY,
KASARAGODE 671 121.

4. THE ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION SUB DIVISION, KASARAGODE 671 121.

R3 BY ADV. SRI.SURESH KUMAR KODOTH

R3 BY ADV. SMT.HEMALATHA

R BY ADV. GOVERNMENT PLEADER SRI NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE RESOLUTION DT.26.6.12 AS RESOLUTION NO.107 (1)/2012.

EXT.P3: TRUE COPY OF THE LETTER BY THE ASSISTANT ENGINEER TO THE ASSISTANT EXECUTIVE ENGINEER DT.27.6.12.

EXT.P3(A): TRUE COPY OF THE LETTER SENT BY THE MLA, MANJESWARAM CONSTITUENCY.

EXT.P4: TRUE COPY OF THE TENDER FORM ISSUED BY THE 2ND RESPONDENT IN RESPECT OF 11 ZONES EXCEPT THE ADHEEKA RIVER MOUTH.

EXT.P5: TRUE COPY OF THE JUDGMENT IN WPC.NO.16942/12.

EXT.P6: TRUE COPY OF THE ORDER DT.5.10.12 ISSUED BY R2.

EXT.P7: TRUE COPY OF THE COMMUNICATION ISSUED BY THE VILLAGE OFFICER, MANGALPADY TO SRI K.A.ISMAIL, MEMBER, MANGALPADY GRAMA PANCHAYAT ON 16.10.12.

EXT.P8: TRUE COPY OF THE COMMUNICATION SENT BY THE MEMBER, MANGALPADY GRAMA PANCHAYAT TO THE PRESIDENT DT.15.6.13.

RESPONDENTS' EXHIBITS

EXT.R2(a): TRUE COPY OF THE G.O DT.13.4.12.

EXT.R2(b): TRUE COPY OF THE ORDER DT.5.10.12.

/TRUE COPY/

P.S TO JUDGE

P.V.ASHA, J.

W.P(c) No.25323 of 2012-M

Dated this the 3rd day of June, 2015

JUDGMENT

The complaint of the petitioner is that the 2nd respondent is not inviting tenders for dredging sand from Adheeka river mouth situated in Mangalpady Grama Panchayat. The petitioners had earlier approached this Court with the same grievance. They also claim that being the only society available in the locality, the work is to be awarded to them in case tender is invited. According to them, the tender Ext.P4 is related to only 11 places except Adheeka river mouth. On the strength of the resolution passed by the Mangalpady Grama Panchayat on 21.05.2012, by which it was decided to request the Port Conservator, Kasaragod to remove the sand from the mouth of Moosody Adheeka river, the petitioner pointed out the requirement for removal of sand deposit from the Adheeka river mouth.

2. The 2nd respondent has filed a counter affidavit contending that tenders were already invited and that there is no such river by name Moosody Adheeka river and also that the

petitioner is not qualified to be awarded that work.

3. The case of the petitioner is that the tenders invited earlier do not cover the sand deposits on the mouth of Adheeka river. Their name is supported by the 2nd respondent Grama Panchayat also. In the above circumstances, in view of the fact that the resolution of the Panchayat was in the year 2012 and the tenders referred to in the Writ Petition are also with reference to the Government Order of the year 2012, it is upto the petitioner to approach the 2nd respondent with appropriate representation pointing out their claims/grievances within a period of one month from the date of receipt of a copy of this judgment. In that event, the 2nd respondent shall, after affording an opportunity of hearing to the petitioner and the 3rd respondent Panchayat, pass orders within a further period of three months.

This Writ Petition is disposed of accordingly.

Sd/-

(P.V.ASHA, JUDGE)

rtr/