

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 21844 of 2015 (E)

PETITIONER(S):

**BABU C. CHERUNGAL, AGED 55 YEARS,
S/O.CHELLAPPAN, BABU NILAYAM, EZHUPUNNA THEKKU P.O.,
CHERTHALA VIA, ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. THE KERALA LAND DEVELOPMENT CORPORATION LIMITED,
NEAR RAMA NILAYAM, THRISSUR - 680 020,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE CONSTRUCTION ENGINEER,
KERALA AND DEVELOPMENT CORPORATION LIMITED,
SABARI GARDENS, CHANDANAKKAVU, ALAPPUZHA - 688 011.**
- 3. THE CHAIRMAN, THURAVOOR KARINILA VIKASANA AGENCY,
COLLECTORATE, ALAPPUZHA - 688 001 (THE DISTRICT COLLECTOR,
ALAPPUZHA).**
- 4. THURUVAOOR KARINILA VIKASANA AGENCY,
THURAVOOR, CHERTHALA - VIA, ALAPPUZHA DISTRICT,
PIN: 688 532, REPRESENTED BY ITS SECRETARY.**
- 5. GOVT. OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF AGRICULTURE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

**R1 & 2 BY ADV. SRI.A.ABDULKHARIM, SC,
R5 BY GOVERNMENT PLEADER SRI.GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE PHOTOCOPY OF THE PROCEEDING NO.A-12/CEA/MISC/98-99/VOL.II
DATED 28/3/2012, ISSUED BY THE 2ND RESPONDENT**
- P2: TRUE COPY OF THE REPRESENTATION DATED 14/7/2012 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT**
- P3: TRUE COPY OF THE REPRESENTATION DATED 17/7/2012 SUBMITTED BY THE
PETITIONER BEFORE THE 5TH RESPONDENT**
- P4: TRUE COPY OF THE JUDGMENT DATED 17/9/2012 IN WPC NO.19641/2012 OF
THIS HON'BLE COURT**
- P5: TRUE COPY OF THE REPRESENTATION DATED 8/6/2015 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENTS 1, 2 AND 5.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.21844/2015**  
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Dated this the 14th Day of October, 2015

J U D G M E N T

The petitioner had approached this Court earlier with W.P.(C). No.19641/2012, on account of the delay in disbursal of the bill amount due to him for the work undertaken by him for the construction of Farm road at Valleshodu-Pulintharamuri at Changaram Padasekharam of which the petitioner was the Convenor. He executed the work being the Convener of the beneficiary committee. This Court as per judgement dated 17/09/2012 in W.P.(C).No.19641/2012 directed the Government to take a decision with regard to the allotment of the funds within two months and disburse the amount without delay. It is submitted that only Rs.5 lakhs was disbursed based on the above direction.

2. Aggrieved by the delay in disbursal of the balance amount due, the petitioner has approached this Court. The learned counsel for the petitioner submits that as per Exhibit P1, the petitioner is entitled for Rs.15,19,248/-.

3. In this matter, the 1st respondent has filed a counter affidavit. It is stated therein that the petitioner has not completed the work as specified and also exceeded the prescribed/agreed time-limit by almost two and a half years and has no moral or legal right to claim interest for the pending bill. The learned Government Pleader on instructions submits that the Government as per letter dated 18/09/2015 has directed the Principal Agricultural Officer to take steps to release the balance amount due to the petitioner, as withholding the amount itself is illegal and serious lapse on the part of the officials.

4. In the light of the facts and circumstances, the 2nd respondent is directed to release the amount due to the petitioner within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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