

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 22270 of 2014 (G)

PETITIONER : -

MOHANAN,
S/O.ACHUTHAN,
POOLOTH VALAPIL HOUSE,
P.O.CHITILAPILLY,
THRISSUR-680551.

BY ADV.SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS : -

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE THRISSUR MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY, M.O. ROAD,
THRISSUR-680001.

R2 BY ADV.SRI.K.P.VIJAYAN, SC, THRISSUR CORPORATION

R2 BY ADV.SRI.V.N.HARIDAS

R1 BY GOVERNMENT PLEADER SRI. JUSTIN JACOB

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

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : COPY OF THE WORK ORDER DATED 26.9.2012.

EXHIBIT P2 : COPY OF THE REPRESENTATION BEFORE THE SECOND
RESPONDENT DATED NIL.

EXHIBIT P3 : COPY OF THE QUESTIONARE AND THE ANSWER GIVEN BY THE
SECOND RESPONDENT DATED 26.2.2014.

EXHIBIT P4 : COPY OF THE REPLY OF THE SECOND RESPONDENT DATED
9.9.2013.

EXHIBIT P5 : COPY OF THE COMMUNICATION OF THE SECOND RESPONDENT
DATED 4.10.2013.

EXHIBIT P6 : COPY OF THE REPLY OF THE SECOND RESPONDENT DATED
2.7.2013.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 22270 of 2014

Dated this the 03rd day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned Standing Counsel for the respondent Corporation, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a public works Contractor, was entrusted with Exhibit P1 work by the second respondent. When substantial part of the work was completed, the 'general public' of the area seem to have raised objections regarding the nature of work. Under those circumstances, on the instructions of the second respondent Corporation, the petitioner has stopped the work.

3. The grievance of the petitioner is that, despite lapse of considerable time, the second respondent Corporation has

neither settled the issue with the public so that the petitioner could proceed with further execution, nor has it discharged the petitioner from the contract, thereby paying all the amounts due to him. Complaining of inordinate delay in settling the bills of the petitioner, he has filed the present writ petition.

4. The learned counsel for the petitioner has contended that in response to Exhibit P2 application under the provisions of the Right to Information Act submitted by the petitioner, the second respondent Corporation issued Exhibit P3 reply admitting the contentions of the petitioner, apart from placing on record its commitment to pay the amounts due to the petitioner. With further reference to Exhibits P4 to P6, the learned counsel would contend that there is no disputed fact to be adjudicated upon and that all along the respondent Corporation has agreed to pay the amounts. In the end, the learned counsel has urged this Court to issue a suitable direction to the respondent Corporation to expedite the process of settling the bills due to the petitioner.

5. The learned Standing Counsel for the second respondent Corporation, on instructions, has submitted that the respondent Corporation has been taking all steps to settle

the amounts due to the petitioner. In response to a specific query from this Court, the learned Standing Counsel has submitted that within a months' time the amounts due to the petitioner will be settled and paid.

6. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent corporation, without expressing any opinion on the merits of the matter, this Court disposes of the present writ petition with a direction to the second respondent Corporation to settle the amounts due to the petitioner, as has been agreed, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-