

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 22663 of 2015 (G)

PETITIONER:

**M/S. ABLE GROUP TRADING CONTRACTORS,
33/M6-24 A, MALAPARAMBA HOUSING COLONY,
MALAPARAMBA.P.O, KOZHIKODE DISTRICT,
PIN-673 009(FORMERLY M/S.ABLE GROUP TRADING CONTRACTORS,
X-427, CHERUVADI.P.O, MAVOOR-VIA, KOZHIKODE DISTRICT),
REPRESENTED BY ITS MANAGING PARTNER,
YAKKOOB PURAYIL.**

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

RESPONDENTS:

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF PUBLIC WORKS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS & BRIDGES,
NORTH CIRCLE, KOZHIKODE-673 001.**
- 3. EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION, CIVIL STATION,
PALAKKAD-678 001.**
- 4. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS SUB DIVISION, ALATHUR,
PALAKKAD-678 541.**
- 5. DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD-678 001.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF THE SELECTION NOTICE NO.DC3-1435/2009 DATED 13.6.2011 ISSUED BY THE 2ND RESPONDENT
- P2 TRUE COPY OF THE PROCEEDING NO.DC3-1435/2009 DATED 10.12.2012 OF THE 2ND RESPONDENT
- P3 TRUE COPY OF THE REPRESENTATION DTAED 15.11.2013 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT
- P4 TRUE COPY OF THE LETTER NO.D3/273/09 DATED 23.11.2013 ISSUED BY THE 4TH RESPONDENT
- P4(A) TRUE COPY OF THE LETTER DATED 27.11.2013 ISSUED BY THE 4TH RESPONDENT
- P5 TRUE PHOTOCOPY OF THE MINUTES OF THE MEETING HELD IN THE CHAMBER OF THE 5TH RESPONDENT ON 30/11/2013
- P6 TRUE COPY OF THE LETTER DATED 2.12.2013 ISSUED BY THE 4TH RESPONDENT
- P7 TRUE COPY OF THE LETTER DATED 7.12.2013 ISSUED BY THE ASSISTANT ENGINEER, PWD ROADS SECTION,ALATHUR
- P7(A) TRUE COPY OF THE LETTER NO.DC3/1435/2009 DATED 17.12.2013 ISSUED BY THE 2ND RESPONDENT
- P8 TRUE COPY OF THE LETTER DATED 25.12.2013 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- P9 TRUE COPY OF THE REPRESENTATION DATED 13.1.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- P10 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 17.1.2014 IN WP(C).NO.1430/2014
- P11 TRUE COPY OF THE ORDER NO.DC3/1435/2009 DATED 24.1.2014 ISSUED BY THE 2ND RESPONDENT
- P12 TRUE COPY OF THE ORDER DATED 21.10.2014 ISSUED BY THE 2ND RESPONDENT
- P13 TRUE COPY OF THE PROCEEDING DATED 2.6.2014 OF THE GOVERNMENT
- P14 TRUE COPY OF THE MINUTES OF THE HEARING APPEAL HELD ON 21.8.2014 FORWARDED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT, IN PURSUANCE TO EXT.P16

WP(C).NO.22663/2015

- P14(A) TRUE COPY OF THE COVERING LETTER DATED 26.11.2014 SUBMITTED BY
ALONG WITH EXT.P16
- P15 TRUE COPY OF THE LETTER DATED 12.8.2014 FORWARDED BY THE 3RD
RESPONDENT TO THE 2ND RESPONDENT
- P16 TRUE COPY OF THE LETTER DATED 27.8.2014 FORWARDED BY THE 2ND
RESPONDENT TO THE CHIEF ENGINEER
- P17 TRUE COPY OF THE LETTER DATED 9.10.2014 FORWARDED BY THE CHIEF
ENGINEER TO THE 1ST RESPONDENT
- P17(A) TRUE COPY OF THE PROCEEDING DATED 5.1.2015 OF THE 1ST
RESPONDENT
- P17(B) TRUE COPY OF THE ORDER DATED 12.3.2015 IN W.P(C)NO.14307/2015 OF
THE HON'BLE COURT
- P18 TRUE COPY OF THE REPRESENTATION DATED 20.5.2015 SUBMITTED BY THE
PETITIONER BEFORE THE RESPONDENTS 2 TO 4.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.22663 of 2015 - G

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Dated this the 11th day of August, 2015

J U D G M E N T

The petitioner has been awarded a contract, which on 13.06.2011 has been terminated as per Ext.P11 order. However, the Counsel for the petitioner submits that no measurement has been taken of the work completed and there is a move to hand over the site to another contractor before such measurements are taken. The petitioner has also filed Ext.P18 representation before the respondents.

2. In such circumstance, the 2nd respondent shall consider Ext.P18 representation and direct carrying out a measurement at any rate before handing over the site to any other contractor. Definitely the measurement has to be taken with notice to the petitioner.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //
P.A to Judge.