

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25411 of 2015 (B)

PETITIONER :

FEROKE CO OPERATIVE LABOUR CONTRACT SOCIETY LTD.No.D-2855,
FEROKE.P.O., KOZHIKODE REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.SIJU KAMALASANAN
SRI.S.ABHILASH

RESPONDENTS :

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
FISHERIES AND PORTS (D) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM – 695 001.
2. THE DIRECTOR,
DEPARTMENT OF PORTS,
THIRUVANANTHAPURAM – 695 001.
3. SENIOR PORT CONSERVATOR,
BEYPORE PORT,
BEYPORE.P.O.,
KOZHIKODE – 673 631.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : COPY OF THE REGISTRATION CERTIFICATE OF THE SOCIETY ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOZHIKODE DTD.24.2.2007.
- EXT.P2 : COPY OF THE PERMIT FOR THE PERIOD FROM 15.8.15 TO 31.8.15 FOR REMOVING 1692 TONS OF SAND BY MANUAL DREDGING FROM THE PORT CHANNEL OF BEYPORE PORT.
- EXT.P3 : COPY OF THE GOVERNMENT ORDER DTD.16.8.13.
- EXT.P4 : COPY OF JUDGMENT DTD.9.10.13 IN W.P.(C) No.24718/13.
- EXT.P5 : COPY OF TENDER FORM AND THE TENDER CONDITIONS ISSUED BY THE 3RD RESPONDENT.
- EXT.P6 : COPY OF THE REPRESENTATION DTD.9.3.15.

RESPONDENTS' EXHIBITS : NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.25411 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner is a Labour Contract Society registered under the Kerala Co-operative Societies Act. According to the petitioner, its members are traditionally engaged in sand collection from the Chaliyar river. The petitioner has approached this Court in this Writ Petition seeking a writ of mandamus commanding the 2nd respondent to consider and pass appropriate orders on Ext.P6 representation in a time bound manner before finalising the open tender for manual dredging in Beypore Port for the year 2014-15.

2. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. Considering the fact that Ext.P6 representation submitted by the petitioner is pending consideration before the 2nd respondent, I deem it appropriate to dispose of this Writ Petition without going into the merits of the claim made by the petitioner in Ext.P6.

4. In the result, this Writ Petition is disposed of directing the 2nd respondent to consider Ext.P6 representation submitted by the petitioner, as expeditiously as possible, at any rate, before finalising the tender in question for the year 2014-15, if the same has not already been finalised. A decision on Ext.P6 representation shall be communicated to the petitioner immediately thereafter.

It is made clear that this Court has not expressed anything on the merit of the claim made by the petitioner in Ext.P6 and it is for the 2nd respondent to consider the said representation strictly in accordance with law.

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge