

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28291 of 2015 (J)

PETITIONER(S):

P.P.KASMIKOYA AGED 64 YEARS
S/O. MOHAMMED, PATHIMAPURA HOUSE, KITAN ISLAND
UNION TERRITORY LAKSHADWEEP - 682 558.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENT(S):

1. THE SUPERINTENDING ENGINEER
LAKSHADWEEP PWD DIVISION, KAVARATTI
U.T OF LAKSHADWEEP - 682 555.

2. THE EXECUTIVE ENGINEER
LAKSHADWEEP PWD DIVISION, AMINI
UNION TERRITORY OF LAKSHADWEEP - 682 552.

3. THE ASSISTANT ENGINEER
PWD LAKSHADWEEP DIVISION, AMINI
UNION TERRITORY OF LAKSHADWEEP - 682 552.

R1 -R 3 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1 - TRUE COPY OF THE LETTER DT. 22.8.2012 ISSUED BY THE 2ND RESPONDENT.
P2 - TRUE COPY OF THE FORM OF TENDER SHOWING THE PERCENTAGE RATE TENDER/ITEM RATE TENDER AND CONTRACT FOR WORKS FOR THE LAKSHADWEEP PWD WORKS.
P3 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN THE PRESCRIBED FORM ON 30.5.2013 FOR EXTENSION OF TIME TO COMPLETE THE WORK.
P4 - TRUE COPY OF THE APPLICATION SEEKING EXTENSION OF TIME.
P5 - TRUE COPY OF THE REQUEST TO THE 2ND RESPONDENT FOR RELEASING P.G AND SD ON 20.4.2015.
P6 - TRUE COPY OF THE LETTE DT. 28.45.2015 ISSUED BY THE 2ND RESPONDENT.
P7 - TRUE COPY OF THE REPRESENTATION DT. 16.5.2015 TO THE 1ST RESPONDENT.
P8 - TRUE COPY OF THE REPRESENTATION DT. 18.5.2015 TO THE 2ND RESPONDENT.
P9 - TRUE COPY OF HE DETAILS RELATING TO THE NATURE OF HINDRANCE ISSUED TO THE PETITIONER.
P10 - TRUE COPY OF THE FIRST AND LAST PAGE OF THE CEMENT REGISTER.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

vgs

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 28291 of 2015

Dated this the 18th day of September, 2015

J U D G M E N T

The petitioner has undertaken the contract work of Lakshadweep Administration. He submits that he has completed the work. The petitioner now impugns Ext.P6 order of the Executive Engineer of Lakshadweep Public Works Department directing the petitioner to pay a sum of ₹4,20,684/- towards compensation as stipulated in clause-2 of the agreement. It is apparent that the petitioner has not been given an opportunity in this matter to raise his objection. This Court is of the view that Ext.P6 shall be treated as notice. The petitioner shall raise his objection against Ext.P6 within a period of three weeks from the date of receipt of a copy of this judgment. Thereafter, after hearing the petitioner, a decision shall be taken by the Executive Engineer. It is open to the Executive Engineer to consider the release of the amount after withholding the amount

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referred to in Ext.P6 in accordance with the terms of the agreement.

This writ petition is disposed of as above.

sd/-

A.MUHAMED MUSTAQUE,

Judge

MBS/

WP(C).NO. 28291 OF 2015

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