

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 33821 of 2010 (C)

PETITIONER(S) :

BIJU K.K., AGED 42, S/O. KURIACHAN,
PATTATTUPADATH HOUSE, VADACODE P.O., KANGARAPPADY
ERNAKULAM, COCHIN-682 021, ERNAKULAM DISTRICT.

BY ADV. SRI.K.C.ELDHO

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL
SELF GOVERNMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-01.
2. KALAMASSERY MUNICIPALITY, REPRESENTED
BY ITS SECRETARY, KALAMASSERY P.O., PIN-683 104
ERNAKULAM DISTRICT.
3. THE CHAIRPERSON,
KALAMASSERY MUNICIPALITY, KALAMASSERY P.O.
PIN-683 104, ERNAKULAM DISTRICT.
4. N.M.BEERAN,
NJAKKADA HOUSE, HMT COLONY P.O., MATTAKKADU
ERNAKULAM, PIN-683 503.

R1 BY ADV.P.P.PADMALAYAN, GOVERNMENT PLEADER
R2 & R3 SRI.M.K.ABOOBACKER, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : A TRUE COPY OF THE AGREEMENT NO.11/07-08 ENTERED INTO BETWEEN THE PETITIONER AND 2ND RESPONDENT.

P2 : A TRUE COPY OF THE REPORT OF THE REGIONAL JOINT DIRECTOR PREPARED WITH THE ASSISTANCE OF THE ASSISTANT EXECUTIVE ENGINEER, COCHIN CORPORATION ON THE DIRECTION OF THE OMBUDSMAN

P3 :A TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER DATED 10.12.2008

P4 : A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 10.12.2008

P5 : A TRUE COPY OF THE ORDER DATED 2.9.2010 OF THE OMBUDSMAN IN O.P.NO.483 OF 2008

P6 : A TRUE COPY OF THE COMPLAINT DATED 20.5.2008 SUBMITTED BY THE 4TH RESPONDENT.

P7 (A) : A TRUE PHOTOGRAPH OF THE ROAD AT PRESENT REFERRED TO IN EXT.P1 AGREEMENT

P7(B) -A TRUE PHOTOGRAPH OF THE ROAD AT PRESENT REFERRED TO IN EXT.P1 AGREEMENT

P7(C) -A TRUE PHOTOGRAPH OF THE ROAD AT PRESENT REFERRED TO IN EXT.P1 AGREEMENT

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.33821 of 2010

Dated this the 1st day of October, 2015

J U D G M E N T

The writ petition has been filed to effect payment on the contract work done by the petitioner. Ext.P3 representation put in by the petitioner in this regard is pending.

2. Ext.P2 report reflects the measurement of one work done by the petitioner. The judgment in W.P(C) 29020/2010 deals with the work in question.

3. I direct the 2nd respondent to pass orders on Ext.P3 representation in the light of Ext.P2 report and the judgment in W.P(C) 29020/2010. The needful shall be done with notice to the petitioner within a period of two months. The same shall be done untrammelled by the observations in Ext.P5 order in the light of judgment in W.P(C) 29020/2010.

4. The steps to disburse the amount shall be taken without delay.

The Writ Petition is disposed of as above.

**V.CHITAMBARESH,
Judge.**

sks