

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 33068 of 2014 (G)

PETITIONER:

**P.C.MOHANAN, AGED 56 YEARS,
PRINCY BHAVANAM, VARANM P.O., CHERTHALA,
ALAPPUZHA-688555.**

BY ADV. SMT.K.N.RAJANI

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM-695001.**
- 2. THE CHAIRMAN,
KERALA STATE HOUSING BOARD, THIRUVANANTHAPURAM,
PIN-695501.**
- 3. THE SECRETARY,
KERALA STATE HOUSING BOARD, THIRUVANANTHAPURAM,
PIN-695501.**
- 4. DISTRICT COLLECTOR,
ALAPPUZHA COLLECTORATE, ALAPPUZHA, PIN-688001.**
- 5. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, ALAPPUZHA, PIN-688001.**

**R1, R4 & R5 BY GOVERNMENT PLEADER, SRI. K.C. VINCENT
R2 & R3 BY SRI.GEORGE BOBAN, SC, K.S.H.B.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 - COPY OF THE CERTIFICATE DATED 13-8-1997.
- EXHIBIT P2 - COPY OF THE LETTER SENT BY SRI. P.K.KUMARAN, MLA TO THE HON'BLE MINISTER FOR HOUSING-EDUCATION-PUBLIC WORKS DEPARTMENT DATED 15-9-1999.
- EXHIBIT P3 - COPY OF THE CERTIFICATE ISSUED BY VALSALA KUMARI, SECRETARY TO GOVT. PWD AND HOUSING DEPARTMENT DATED 31-1-2001.
- EXHIBIT P4 - COPY OF THE MATHRUBOOMI DAILY DATED 14-07-1997.
- EXHIBIT P5 - COPY OF THE LETTER SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT DATED 15-10-2004.
- EXHIBIT P6 - COPY OF THE PAPER REPORT DATED 28-3-2001 IN KERALA KOUMUDI DAILY.
- EXHIBIT P7 - COPY OF THE REPRESENTATION DATED 18-1-2011.
- EXHIBIT P8 - COPY OF THE JUDGMENT IN WP(C) 29877/2013 OF HONOURABLE HIGH COURT DATED 10-12-2013.
- EXHIBIT P9 - COPY OF THE ORDER OF SECRETARY DATED 11-4-2014.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.33068 OF 2014
.....

Dated this the 20th January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i. Issue a writ in the nature of mandamus or other appropriate writ, order or direction to the 1st respondent to pass an award of rs.100000/- in favour of the petitioner as noted in Exhibit P5*
- ii) to issue a writ in the nature of mandamus or other appropriate writ or direction to quash Exhibit P9*
- iii) issue such other reliefs are necessary in the interest of justice*
- iv. Award all costs of the proceedings."*

2. Grievance of the petitioner appears to be that he effected a construction of a residential building with a novel concept of reducing the cost of construction to a substantial extent, wherein reinforcement of concrete was reduced to the maximum possible extent. The efforts taken by the petitioner for development of the new technology was appreciated from different corners, particularly by the authorities of the PWD ,

Revenue and other sectors. It attracted the attention of mass media as well. The petitioner was allegedly offered an award of Rs. One lakh by the concerned Minister, who attended a public function in this regard. But subsequently, despite many a demand, the amount was not released. The petitioner knocked at the doors of different authorities, but it was of no avail and finally, the petitioner was given a meagre sum of Rs.5000/-. Since the commitment was not honoured, the petitioner was constrained to approach this Court by filing W.P.(C)No.29877 of 2013, which was disposed of as per Ext. P8 judgment dated 10.12.2013 with liberty to file a representation before the first respondent/State of Kerala and to have it considered accordingly. Pursuant to the said judgment, the petition preferred by the petitioner was considered by the first respondent/State, who issued Ext.P9 order dated 11.04.2014 referring to the sequence of events and pointing out that petitioner's claim was not liable to be entertained. This in turn is under challenge in this writ petition .

3. Heard both the sides.

4. After going through the pleadings and proceedings, this

Court finds that the rejection of the claim of the petitioner was mainly for want of proof with regard to the alleged assurance stated as made from the part of the concerned Minister; and further that there was nothing new, to call it an invention. No enabling provision to have the same considered positively and to effect disbursement of Rs. One lakh is brought to the notice of this Court. However, this Court does not intend to express anything with regard to the eligibility of the petitioner and it is still open for the petitioner to pursue further proceedings, if the claim is sustainable, by raising necessary pleadings and also producing relevant documents before the competent Civil Court. Without prejudice to the rights and liberties of the petitioner to pursue such exercise, interference is declined and the writ petition is dismissed.

P.R.RAMACHANDRA MENON
JUDGE

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