

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 33400 of 2014 (Y)

PETITIONER:

V.A.THOMAS, AGED 54 YEARS,
S/O.ANTONY, CONTRACTOR, VAZHAPPILLI HOUSE,
IRANIKULAM.P.O., MALA - VIA, THRISSUR DISTRICT.

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

RESPONDENTS:

1. KUZHUR GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, KUZHUR.P.O., MALA VIA
THRISSUR DISTRICT, PIN - 680 734.
2. ASSISTANT ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
KUZHUR GRAMA PANCHAYAT, KUZHUR.P.O., MALA VIA,
THRISSUR DISTRICT PIN - 680 734.

R1&2 BY ADV. SRI.S.VIDYASAGAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT. P1 : TRUE COPY OF THE RELEVANT PORTION OF AGREEMENT
NO.17/AE/LSGD/K/11-12 DATED 23.11.2011 EXECUTED BETWEEN THE
PETITIONER AND THE 2ND RESPONDENT.

EXT. P2 : TRUE COPY OF THE REPRESENTATION DATED 25.3.2014 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENTS.

EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 5.5.2014 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENTS.

EXT. P4 : TRUE COPY OF THE REPRESENTATION DATED 14.8.2014 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENTS.

RESPONDENTS' EXHIBITS :

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 33400 of 2014 (Y)

Dated this the 13th day of March, 2015.

JUDGMENT

The petitioner, a civil contractor, was awarded a work through Ext.P1 agreement in March, 2014. Later, complaining that despite completion of the work satisfactorily by the petitioner, the respondent Grama Panchayath has not recorded the measurements, prepared the bills and disbursed the payments due to the petitioner, he has filed the present writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent Grama Panchayath.

3. The learned counsel for the petitioner has strenuously contended that the respondent Grama Panchayath has admitted that the work has been completed; only thing that remains is payment of money due to the petitioner in that regard. He has also submitted that there was certain delay in executing the work within the stipulated time, but that delay was occurred only owing to two vigilance enquiries, with which the petitioner has nothing to do.

4. The learned counsel for the respondent Grama Panchayath

has strenuously opposed the claims and contentions of the petitioner. In elaboration of his submission, he has contended that the respondent Grama Panchayath has been put to serious loss and hardship owing to the delay on the part of the petitioner. According to him, penalty has also been imposed on the petitioner.

5. Be that as it may, this Court does not desire to get into the factual controversy, the resolution of which lies before some other competent forum.

In the facts and circumstances, this Court disposes of the writ petition with a direction to the respondent Grama Panchayath to pay to the petitioner the admitted amounts, if any, on account of the completion of the work by the petitioner, on or before 31.03.2015, by which time the funds are said to lapse.

sd/- DAMA SESHADRI NAIDU, JUDGE.

