

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 34538 of 2015 (N)

PETITIONER :

**T.A.XAVIER AGED 67 YEARS
S/O. AUGUSTINE, CONTRACTOR, M/S. T.A.XAVIER & SONS,
THAREPARAMBIL HOUSE, PALLURUTHY P.O., KOCHI-682006.**

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

RESPONDENTS :

- 1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF LOCAL SELF GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. CHIEF ENGINEER
LOCAL SELF GOVERNMENT DEPARTMENT, PUBLIC OFFICES
MUSEUM P.O., THIRUVANANTHAPURAM-695033.**
- 3. OTTAPPALAM MUNICIPALITY
OTTAPPALAM P.O., PALAKKAD DISTRICT, PIN-679101
REPRESENTED BY ITS SECRETARY.**
- 4. OTTAPPALAM MUNICIPAL COUNCIL
OFFICE OF THE OTTAPPALAM MUNICIPALITY
OTTAPPALAM P.O., PALAKKAD DISTRICT, PIN-679101
REPRESENTED BY ITS CHAIRPERSON.**
- 5. THE MUNICIPAL ENGINEER
OTTAPPALAM MUNICIPALITY, OTTAPPALAM P.O.
PALAKKAD DISTRICT, PIN-679101.**
- 6. P.MURALEEDHARAN, AGED 55 YEARS
S/O. PRABHAKARAN, 'PRABHALAYAM', TC 31/1376
KALPAKA NAGAR, NO. 90, CHAKKA
PETTAH, THIRUVANANTHAPURAM (WORKING AS SECRETARY
OTTAPPALAM MUNICIPALITY, OTTAPPALAM P.O.
PALAKKAD DISTRICT, PIN-679101).**

**7. KERALA URBAN AND RURAL DEVELOPMENT FINANCE CORPORATION
(KURDFC), TRANS TOWERS, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695014
REPRESENTED BY ITS MANAGING DIRECTOR.**

**8. THE DIRECTOR OF URBAN AFFAIRS
URBAN AFFAIRS DIRECTORATE, SWARAJ BHAVAN
THIRUVANANTHAPURAM-695011.**

**R1 BY GOVERNMENT PLEADER SMT. SANJEETHA K.A.
R3 TO R6 BY SRI.P.P.THAJUDHEEN, SC, OTTAPALAM MUNICIPALITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE LETTER DATED 31-1-2012 OF THE 2ND RESPONDENT FORWARDED TO THE 1ST RESPONDENT.
- EXHIBIT P2- TRUE COPY OF THE LETTER DATED 17-2-2012 OF THE 2ND RESPONDENT FORWARDED TO THE 1ST RESPONDENT.
- EXHIBIT P3- TRUE COPY OF THE RELEVANT PORTION OF THE DECISION OF THE CO-ORDINATION COMMITTEE OF THE STATE LEVEL CENTRALLY ASSISTED WORKS, HELD ON 22-2-2012 AT THE CHAMBER OF THE HON'BLE MINISTER FOR INDUSTRY/URBAN AFFAIRS.
- EXHIBIT P4- TRUE COPY OF THE LETTER DATED 29-2-2012 OF THE GOVERNMENT FORWARDED TO THE 3RD RESPONDENT.
- EXHIBIT P5- TRUE COPY OF THE TECHNICAL SANCTIONED REPORT MAINTAINED BY THE 3RD RESPONDENT, DETAILING THE SANCTIONED AMOUNT OF RS. 14,98,28,120/- FOF THE PURPOSE OF CONSTRUCTING THE BUS-STAND CUM SHOPPING COMPLEX OF THE 3RD RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE LETTER DATED 1-11-2012 OF THE 3RD RESPONDENT FORWARDED TO THE 7TH RESPONDENT.
- EXHIBIT P7- TRUE COPY OF THE RELEVANT PAGES OF THE TENDER DOCUMENT PUBLISHE BY THE 3RD RESPONDENT.
- EXHIBIT P8- TRUE COPY OF THE UNDERTAKING/CONSENT SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT, IN PURSUANCE TO THE DECISION OF THE CO-ORDINATION COMMITTEE OF THE 1ST RESPONDENT.
- EXHIBIT P9- TRUE COPY OF THE AGREEMENT DATED 5-3-2012 EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.
- EXHIBIT P10- TRUE COPY OF RELEVANT PAGES OF FORM-IV ATTACHED TO EXT. P9 AGREEMENT.
- EXHIBIT P10(A)- TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT DETAILING THE DECISIONS OF THE MEETING DATED 5-3-2012.
- EXHIBIT P11- TRUE COPY OF THE DECISION DATED 29-10-2014 OF THE 4TH RESPONDENT.
- EXHIBIT P11(A)- TRUE COPY OF THE MINUTES OF THE MEETING CONVENED BY THE 4TH RESPONDENT ON 18-11-2014.
- EXHIBIT P11(B)- TRUE COPY OF THE MINUTES OF THE STATE LEVEL CO-ORDINATION COMMITTEE FOR THE EXECUTION OF THE CENTRALIZED WORKS, HELD ON 10-9-2009, AT THE CHAMBER OF THE HON'BLE MINISTER FOR LOCAL SELF GOVERNMENT.

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EXHIBIT P12- TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 6-2-2015 AT THE OTTAPPALAM PWD REST HOUSE.

EXHIBIT P13- TRUE COPY OF THE LETTER DATED 14-5-2015 OF THE 3RD RESPONDENT FORWARDED TO THE 7TH RESPONDENT.

EXHIBIT P13(A)- TRUE COPY OF THE LETTER DATED 1-6-2015 OF THE 3RD RESPONDENT FORWARDED TO THE 8TH RESPONDENT.

EXHIBIT P14- TRUE COPY OF THE LETTER DATED 15-5-2015 OF THE 4TH RESPONDENT FORWARDED TO THE GOVERNMENT.

EXHIBIT P15- TRUE COPY OF THE JUDGMENT DATED 27-7-2015 IN WPC NO. 22494/2015 OF THIS HON'BLE COURT.

EXHIBIT P15(A)- TRUE COPY OF THE LETTER DATED 6-8-2015 OF THE 6TH RESPONDENT FORWARDED TO THE 7TH RESPONDENT.

EXHIBIT P15(B)- TRUE COPY OF THE PROCEEDING DATED 20-8-2015 OF THE 5TH RESPONDENT.

EXHIBIT P5(C)- TRUE COPY OF THE PROCEEDING DATED 21-8-2015 OF THE ASSISTANT EXECUTIVE ENGINEER, L.S.G.D. SUB DIVISION, OTTAPPALAM BLOCK PANCHAYATH.

EXHIBIT P16- TRUE COPY OF THE ORDER DATED 14-9-2015 IN B.A.NO. 5364/2015 OF THIS HON'BLE COURT.

EXHIBIT P16(A)- TRUE COPY OF THE LETTER DATED NIL OF THE 7TH RESPONDENT FORWARDED TO THE 3RD RESPONDENT.

EXHIBIT P16(B)- TRUE COPY OF THE LETTER DATED 4-9-2015 OF THE 6TH RESPONDENT FORWARDED TO THE 7TH RESPONDENT.

EXHIBIT P16(C)- TRUE COPY OF THE LETTER DATED 4-9-2015 OF THE 6TH RESPONDENT FORWARDED TO THE GOVERNMENT.

EXHIBIT P17- TRUE COPY OF THE REPRESENTATION DATED 10-9-2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS 2 AND 8.

EXHIBIT P18- TRUE COPY OF THE REPRESENTATION DATED 26-10-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. HARILAL, J.

W.P. (C) No. 34538 of 2015

Dated this the 26th day of November, 2015

JUDGMENT

The grievance projected projected in this writ petition is that the 6th respondent, in his capacity as the 3rd respondent, issued Exts.P15(a), P16(b) and P16(c) against sanctioning of bill due to the petitioner with a mala fide and extraneous motives, solely to defeat the direction of this Court in Ext.P15 judgment.

2. Having regard to the sequence of events narrated in the writ petition and the submissions made at the Bar, it appears that the grievance projected by the writ petitioner deserves to be considered and addressed by the 8th respondent at the earliest.

3. In the above view of the matter, the 8th respondent is directed to consider Ext.P17 and pass

orders thereon, after affording an opportunity of being heard to the petitioner and the respondents 3 to 6 at the earliest - at any rate, within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-

(K. HARILAL, JUDGE)

Nan/

//true copy//

P.S. to Judge