

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 35412 of 2014 (B)

PETITIONER(S) :

C.A SHAJI AGED 51 YEARS
S/O.K.C.ABRAHAM, CONTRACTOR, CHERUVULLIL HOUSE
THOPPIL-KATTETHU ROAD, THIRUVAMKULAM P.O.
ERNAKULAM DISTRICT, PIN-682305.

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

RESPONDENT(S) :

-
1. GOVERNMENT OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF RURAL DEVELOPMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
 2. COMMISSIONER FOR RURAL DEVELOPMENT
RURAL DEVELOPMENT COMMISSIONERATE, SWARAJ BHAVAN
NANDANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM-695003.
 3. MULATHURUTHY BLOCK PANCHAYAT OFFICE
PERUMPILLY P.O., TRIPUNITHURA VIA, ERNAKULAM DISTRICT
PIN-682314, REPRESENTED BY ITS SECRETARY.
 4. SECRETARY
MULANTHURUTHY BLOCK PANCHAYAT OFFICE
PERUMPILLY P.O., TRIPUNITHURA VIA, ERNAKULAM DISTRICT
PIN-682314.
 5. MULANTHURUTHY BLOCK PANCHAYAT COMMITTEE
PERUMPILLY P.O., TRIPUNITHURA VIA, ERNAKULAM DISTRICT
PIN-682314, REPRESENTED BY ITS PRESIDENT.
 6. PROJECT DIRECTOR
POVERTY ALLEVIATION UNIT, DISTRICT PANCHAYAT
3RD FLOOR, COLLECTORATE, KAKKANAD
KOCHI-682030.

BY GOVERNMENT PLEADER SMT.C.K.CHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT.P1 : TRUE COPY OF THE SCHEDULE OF WORK INVOLVED IN AGREEMENT NO.3/2010-11 DT.23-7-2010.
- EXT.P2 : TRUE COPY OF THE RESOLUTION NO. III(2) DT.3-2-2011 PASSED BY R5.
- EXT.P3 : TRUE COPY OF THE MINUTES OF THE MEETING DT.14-2-2011 CONVENED BY R3 PANCHAYATH.
- EXT.P4 : TRUE COPY OF THE MINUTES MEETING DT.6-8-2011 CONVENED BY R3 PANCHAYATH.
- EXT.P5 : TRUE COPY OF THE CERTIFICATE NO.C-896/09 DT.1-9-2011 ISSUED BY R4.
- EXT.P6 : TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY DT.17-12-2011.
- EXT.P6A : TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE MATHRUBHUMI DAILY DT.17-12-2011.
- EXT.P7 : TRUE COPY OF THE REPRESENTATION DT.2-1-13 SUBMITTED BY THE PETITIONER BEFORE R4.
- EXT.P8 : TRUE COPY OF THE REPRESENTATION DT.21-3-2013 SUBMITTED BY THE PETITIONER BEFORE R4.
- EXT.P9 : TRUE COPY OF THE LETTER NO.C-1368/09 DT.29-4-2013 ISSUED BY R4.
- EXT.P10 : TRUE COPY OF THE LETTER NO.G.3973(A)/2008/PAU DT.8-1-14 ISSUED BY R6.
- EXT.P11 : TRUE COPY OF THE PROCEEDING DT.4-2-14 OF THE ASSISTANT EXECUTIVE ENGINEER ATTACHED TO THE OFFICE OF R4.
- EXT.P12 : TRUE COPY OF THE ESTIMATE REPORT OF WORK ENCLOSED ALONG WITH EXT.P11.
- EXT.P13 : TRUE COPY OF THE LETTER DT.10-2-2014 ISSUED BY R4.
- EXT.P14 : TRUE COPY OF THE REPLY DT.17-2-2014 SUBMITTED BY THE PETITIONER BEFORE R4.
- EXT.P15 : TRUE COPY OF THE RESOLUTION NO.IV(4) DT.18-2-2014 PASSED BY R5 MULANTHURUTY GRAMA PANCHAYATH COMMITTEE.
- EXT.P16 : TRUE COPY OF THE REQUEST NO.C.1368/2009 DT.4-3-2014 OF R4 FORWARDED TO R2.
- EXT.P17 : TRUE COPY OF THE LETTER DT.27-5-14 OF R5 FORWARDED TO R2.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

DAMA SESHADRI NAIDU, J.

=====

W.P(C) No.35412 of 2014

=====

Dated this the 07th day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader, as well as the learned counsel for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is a contractor, having been assigned a particular piece of civil work, who could not complete the work on account of reasons said to have been detailed in Exts.P2, P3, P4 and P15 to P17 proceedings issued by the respondents 3 to 5. At that juncture, the 4th respondent is said to have issued Ext.P13 order, quantifying the liability against the petitioner, without affording an opportunity to the petitioner. Under those circumstances, the 3rd respondent is said to have passed Ext.P15 resolution, recommending the cancellation of work and also dropping of

all charges against the petitioner. It appears that consequent to Ext.P15, Exts.P16 and P17 were issued by the 4th respondent and the President of the Block Panchayath respectively requesting 2nd respondent to adopt Ext.P15 resolution. Aggrieved by the inaction on the part of the 2nd respondent, the petitioner has approached this Court.

3. In the light of the facts and circumstances having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader, apart from the learned Standing Counsel for the 3rd respondent Gramapanchayath, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the 2nd respondent to consider the issue in the light of Exts.P115 to P17 proceedings and pass appropriate orders thereon as expeditiously as possible, at any rate within two months from the date of

receipt of a copy of this judgment. It is made clear that until a decision is taken in the manner indicated above, the respondents shall not take any coercive steps against the petitioner.

Sd/-

DAMA SESHADRI NAIDU, JUDGE

vdv //True copy//

P.A to Judge