

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 37606 of 2015 (A)

PETITIONER(S):

**BINU RAJ J, AGED 43 YEARS,
S/O E.M. JOSEPH, CONTRACTOR, KARUPARAMBIL HOUSE,
PANNIMATTOM P.O., THODUPUZHA VIA., IDUKKI DISTRICT,
PIN:685 588.**

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

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
PUBLIS WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. EXECUTIVE ENGINEER,
LSGD DIVISION, IDUKKI DISTRICT PANCHAYAT, PAINAVU P.O.,
IDUKKI DISTRICT, PIN:685603.**
- 3. SUPERINTENDING ENGINEER,
ROADS & BRIDGES, CENTRAL CIRCLE, ALUVA,
ERNAKULAM DISTRICT, PIN:683101.**
- 4. ASSISTANT EXECUTIVE ENGINEER,
LSGD SUB DIVISION, ELAMDESOM, ALAKODE P.O.
THODUPUZHA-VIA, IDUKKI DISTRICT, PIN:685 588.**
- 5. ASSISTANT ENGINEER, LSGD SECTION,
ALAKODE GRAMA PANCHAYAT, ALAKODE P.O.,
THODUPUZHA-VIA, IDUKKI DISTRICT-68588.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE SELECTION NOTICE DATED 9.10.2012 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE LETTER DATED 7.12.2012 ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT P2(A): TRUE COPY OF THE LETTER NO.DB2/2011 DATED 7.12.2012 ISSUED BY THE 5TH RESPONDENT TO THE SECRETARY, ALAKODE GRAMA PANCHAYAT.

EXHIBIT P3: TRUE COPY OF THE PROCEEDING DATED 9.1.2014 OF THE CHIEF ENGINEER, LSGD, FORWARDED TO THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE LETTER DATED 31.3.2015 FORWARDED BY THE 2ND RESPONDENT TO THE SECRETARY/PRESIDENT OF IDUKKI DISTRICT PANCHAYAT.

EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 14.8.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P5(A): TRUE COPY OF THE JUDGMENT DATED 6.11.2015 IN WPC NO.32500/2015 OF THIS HON'BLE COURT.

EXHIBIT P6: TRUE COPY OF THE TENDER NO.STN-147/SECCA/2015-16 DATED 15.11.2015 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 9.12.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 37606 of 2015

Dated this the 11th day of December, 2015

JUDGMENT

The petitioner was selected for the execution of the work referred in Ext.P4. This Court as per Ext.P5(a) judgment, directed to consider the petitioner's request to absolve the work without risk and cost and to take a decision by 2nd respondent. In the meanwhile, a fresh tender has been invited for the same work. The petitioner apprehends that, without taking measurement, if the work is awarded to the third contractor, he will be deprived of claiming bill from the respondents.

In that view of the matter, the following directions are issued :

- i) The respondents are directed to measure and take the valuation of the work undertaken by the petitioner.

ii) This shall be done before awarding the contract to a third party pursuant to Ext.P6 tender notification.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr