

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

WP(C).No. 37828 of 2015 (C)

PETITIONER:

**A.NIZAMUDHEEN,
THOPPIL CONSTRUCTIONS,
ADAYAMON P.O, THOLLIKUZH,
THIRUVANANTHAPURAM.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT,
ROADS AND BRIDGES, PUBLIC OFFICE,
THIRUVANANTHAPURAM - 695 033.**
- 3. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
ROADS AND BRIDGES (SC), PUBLIC OFFICE,
THIRUVANANTHAPURAM 695 033.**
- 4. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
KOLLAM DISTRICT - 691 013.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 37828 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. TRUE COPY OF THE G.O(RT) NO.1827/2008/PWD DATED 4.11.08.**
- EXHIBIT P2. TRUE COPY OF THE PERFORMANCE CERTIFICATE DATED 26.3.10
ISSUED BY THE 4TH RESPONDENT.**
- EXHIBIT P3. TRUE COPY OF THE REPRESENTATION DATED 15.11.10 BEFORE THE
3RD RESPONDENT.**
- EXHIBIT P4. TRUE COPY OF THE JUDGMENT DATED 19.1.11 IN WPC 1805/2011
PASSED BY THIS HONOURABLE COURT.**
- EXHIBIT P5. TRUE COPY OF THE NOTICE NO.A5-2814/2007 DATED 7.11.15 ISSUED
BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.Muhamed Mustaque, J.

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W.P.(C)No.37828 of 2015

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Dated this the 14th day of December, 2015.

JUDGMENT

1. Petitioner challenges Ext.P5 notice issued by the Executive Engineer, Public Works Department, Roads Division, Kollam, based on audit objection.
2. As per Ext.P5, the petitioner has been directed to repay ₹8,31,421/- towards the excess amount he was in receipt of for the work he had undertaken with the respondents.
3. This court is of the view that petitioner can raise his objection against Ext.P5 before the 4th respondent, if he is aggrieved, within two weeks and thereafter the 4th respondent shall consider the same and pass final order, as early as possible.
4. It is made clear that till final order is passed, after adverting to the objection raised by the petitioner before the 4th respondent, recovery

proceedings shall not be initiated against the petitioner.

Writ petition is disposed of as above.

Muhamed Mustaque, Judge.

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