

P.Muhammed Vs. the Executive Engineer

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Court : Kerala

Decided On : Nov-04-2013

Judge : Honourable Mr.Justice C.K.Abdul Rehim

Appellant : P.Muhammed

Respondent : The Executive Engineer

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM MONDAY, THE 4TH DAY OF NOVEMBER 2013 13TH KARTHIKA, 1935 WP(C).No. 26972 of 2013 (V) ----- PETITIONER: ----- P.MUHAMMED, S/O. KOYAKUTTY, AGED 50 YEARS, PARAYIL HOUSE, OLAKARA POST, OLAKARA VILLAGE, THIRURANGADI TALUK, MALAPPURAM DISTRICT, PIN CODE - 676 306. BY ADV. SRI.SAJI SANKARAN NAIR. RESPONDENTS: ----- 1. THE EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, MANJERI DIVISION, MANJERI, MALAPPURAM DISTRICT, PIN CODE - 676 121.

2. THE ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, SUB DIVISION, MALAPPURAM, MALAPPURAM DISTRICT, PIN CODE - 676 505.

3. THE ASSISTANT ENGINEER, KERALA STATE ELECTRICITY BOARD, MALAPPURAM WEST SECTION, MALAPPURAM DISTRICT, PIN CODE - 676 505.

4. THE ASSISTANT ENGINEER, P.W.D. ROADS DIVISION, MALAPPURAM, MALAPPURAM DISTRICT, PIN CODE - 676 505.

5. KERALA STATE ELECTRICITY BOARD, REP. BY ITS SECRETARY, VIDUDTHY BHAVAN, PATTOM, THIRUVANANTHAPURAM - 65 001. R1 TO R3 & R5 BY SMT. P.K. RADHIKA, S.C, SRI.SAJEEVKUMAR K.GOPAL,S.C, R4 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 0411-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Prv. W.P.(C).NO.26972/2013-V: APPENDIX PETITIONER'S EXHIBITS: EXT.P.1: COPY OF THE LETTER DTD. 11/10/12 FROM R.4. TO R.2. EXT.P.2: COPY OF THE LETTER DTD. 02/01/13 FROM R4 TO R1. EXT.P.3: COPY OF THE REMINDER DTD. 12/02/13 FROM R4 TO R1. EXT.P.4: COPY OF THE REMINDER DTD. 02/04/13 FROM R4 TO R1. EXT.P.5: COPY OF THE RECEIPT OF REMITTANCE BY THE PETITIONER WITH R.3. EXT.P.6: COPY OF THE REMINDER DTD. 31/08/13 FROM R.4. TO R.1. EXT.P.7: COPY OF THE LAWYERS NOTICE SEND BY THE PETITIONER TO RESPONDENTS13. RESPONDENTS' EXHIBITS: NIL. //TRUE COPY// P.A. TO JUDGE. Prv. C.K. ABDUL REHIM, J.

----- W.P.(c) No. 26972
OF2013----- DATED THIS THE4h DAY OF
NOVEMBER, 2013.

JUDGMENT

This writ petition is filed seeking direction to respondents 1 to 3 & 5 for taking immediate action for shifting of the electric posts for the purpose of widening and improvement of the Karathode-Pullikallu-Cheroor Road in Malappuram District. Petitioner is the contractor who had undertaken the work, which is funded by NABARD. Since the work in question has to be completed within a time frame of 2

years, the petitioner as well as authorities of the PWD were constantly approaching the respondents 1 to 3 with repeated requests for effecting such shifting. It is evident that the amount required for shifting of the electric posts was already deposited as early as on 25-07-2013, as per the estimate prepared. But it is complained that the work has not been done so far.

2. Learned Standing counsel appearing for respondents 1 to 3 and 5 submitted on the basis of instructions received from the 3rd respondent that, the W.P.(c) No.26972/2013 -2- tender procedure for execution of the work of shifting was completed on 22-01-2013 and the work is now on- going. According to the 3rd respondent, 25% of the work has already been completed. It is pointed out that another work of shifting of electric post for which amount was remitted by the PWD is also in progress in the same area of Oorakam. According to the 3rd respondent the balance work can be completed at the earliest subject to availability of necessary materials in time. Learned Standing counsel submitted that the work will be expedited and it will be completed within a period of 2 weeks.

3. The above submission are recorded and the writ petition is disposed of directing respondents 1 to 3 to complete the work of shifting of the posts for which the petitioner had remitted the estimated amount, at the earliest possible, at any rate within a period of one month from the date of receipt of a copy of this judgment. Sd/- C.K. ABDUL REHIM, JUDGE. AMG True copy P.A to Judge

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