

Rajendraprasad vs the State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : WP(C)/2490/2024

Appellant : Rajendraprasad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY,
THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945
PETITIONER/S: RAJENDRAPRASAD AGED 68 YEARS S/O
RAGHAVAN,KRISHNA KRIPA, POOTHAKULAM P.O,PARAVUR,
KOLLAM, PIN - 691334 BY ADVS. V.JAYAPRADEEP O.A.NURIYA
D.S.LOKANATHAN ALAN PRIYADARSHI DEV LILIN LAL SAJEENA
ABDU T.K. RESPONDENT/S: 1 THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE
ASSISTANT ENGINEER PARAVUR MUNICIPALITY, PARAVUR,

KOLLAM, PIN - 691301 3 PARAVUR MUNICIPALITY REPRESENTED BY ITS SECRETARY, PARAVUR, KOLLAM, PIN - BY ADV M.RAJENDRAN NAIR, SC FOR PARAVUR MUNICIPALITY SR GP K.P.HARISH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

The petitioner was entrusted with the construction work of the 1st floor of PAKAL VEEDU by the 3rd respondent Municipality. The work was completed to the satisfaction of all concerned and the bill for the work raised thereafter. The respondents having delayed the disbursal of the bill amount, this writ petition.

2. Earlier, the petitioner had approached this Court in W.P.(C) No.32998/2023, and by Ext.P1 judgment, the 3rd respondent was

directed to consider and pass orders on the petitioners representation within 30 days, bearing in mind the petitioners claim of having completed the work as early as in 2018. In purported compliance of the above direction, the Municipality issued Ext.P2 stating that, as per its records, only Rs.4 lakhs is found due to the petitioner and the said amount will be paid on production of bills and vouchers by the petitioner. Aggrieved by the direction in Ext.P2, requiring the petitioner to produce the bills and vouchers, this writ petition is filed.

3. Learned Counsel for the petitioner submitted that the bills -3-

and vouchers are maintained by the Municipality and the direction in Ext.P2, requiring the petitioner to produce the bills and vouchers, can only be perceived as an attempt of the Municipality to wriggle out of its responsibility to pay the amount.

4. Learned Standing Counsel for the Municipality would

submit that the amount due to the petitioner will be paid immediately on production of the bills and vouchers and Ext.P2 was issued only because the necessary documents could not be traced out from the Municipalitys records.

5. Having heard the learned Counsel on either side, I find

prima facie merit in the submission of the learned Counsel for the petitioner that it is the responsibility of the Municipality to maintain the bills and vouchers with respect to the works conducted by it. The normal practice is for the contractor to submit the bills and vouchers and the Engineer concerned, who would then verify its correctness and thereafter counter sign it and present before the Municipality. Thereupon, the bill has to be approved and the bill amount disbursed to the contractor. Being so, the Municipality cannot call upon the petitioner to produce the bills and vouchers for the purpose

-4- of disbursing the bill amount. Even then, if the petitioner is in possession of any of the bills and vouchers, he can produce it before the Municipality. At any rate, the Municipality is bound to pay the admitted amount of Rs.4 lakhs. The writ petition is hence disposed of, directing the Municipality to pay Rs.4 lakhs, mentioned in Ext.P2, to the petitioner, within two months of receipt of a certified copy of this

judgment.

Sd/- V.G.ARUN JUDGE uu 29.02.2024 -5- APPENDIX OF WP(C) 2490/2024
PETITIONER EXHIBITS Exhibit P1 THE COPY OF THE JUDGMENT DATED
13.11.2023 IN WPC 32998/2023 OF THE HIGH COURT OF KERALA Exhibit P2
TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT TO THE
PETITIONER DATED.11.12.2023

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