

Aboobacker Sidheek vs State of Kerala

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Court : Kerala

Decided On : Feb-01-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/3912/2024

Appellant : Aboobacker Sidheek

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945
WP(C) NO. 3912 OF 2024 PETITIONER(S):

1 ABOOBACKER SIDHEEK AGED 52 YEARS, SON OF BEERAN
PURAYIL, RESIDING AT PURAYIL HOUSE, CHERUVADI POST,
MAVOOR, KOZHIKODE DISTRICT - 673 661., REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER MUHAMMED SUHAIL A.P., SON OF
ABDUL MAJEED A.P., AGED 32 YEARS, RESIDING AT ARIMBRA
PUTHUSSERY HOUSE, CHATHAPARAMBIL, KODIYATHOOR POST,
KOZHIKODE DISTRICT, PIN - 673602 2 MUJEEB RAHMAN EDAKANDI

AGED 47 YEARS, SON OF ABOOBACKER, RESIDING AT P.T.HOUSE, PANNICODE P.O., MUKKAM, KOZHIKODE DISTRICT - 673 602., REPRESENTED BY HIS POWER OF ATTORNEY HOLDER MUHAMMED SUHAIL A.P., SON OF ABDUL MAJEED A.P., AGED 32 YEARS, RESIDING AT ARIMBRA PUTHUSSERY HOUSE, CHATHAPARAMBIL, KODIYATHOOR POST, KOZHIKODE DISTRICT, PIN - 673602 BY ADVS. T.MADHU C.R.SARADAMANI RENJISH S. MENON VRINDA T.S. AISWARYA JAYAPAL

RESPONDENT(S): 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT INSTITUTIONS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 SUPERINTENDING ENGINEER MINOR IRRIGATION CIRCLE, KOZHIKODE, PIN - 673005 3 THE SECRETARY MUKKAM MUNICIPALITY, MUKKAM P.O., KOZHIKODE DISTRICT, PIN - 673602 4 THE MUNICIPAL ENGINEER MUKKAM MUNICIPALITY, MUKKAM P.O., KOZHIKODE DISTRICT, PIN - 673602 5 SUPERINTENDING ENGINEER PWD NORTH CIRCLE, NATIONAL HIGH WAY, KOZHIKODE, KOZHIKODE DISTRICT, PIN - 673647 6 SUPERINTENDING ENGINEER MINOR IRRIGATION CIRCLE, KOZHIKODE, PIN - 673005 BY ADVS. SMT. DEVISHRI. R. , GP SRI. SURESH KUMAR KODOTH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C)No.3912 of 2024
----- Dated this the 01st day of February, 2024

JUDGMENT

The above writ petition is filed with the following prayers; i) Issue a writ of certiorari and quash the Exhibit P14 order No.F1/469/2022 dated 17.03.2023 passed by the

fifth respondent, so as to secure the ends of justice.

(ii) This Honble Court may be pleased to dispense with filing of the English translation of Malayalam documents produced in the writ petition, so as to secure the ends of justice.

(iii) Such other reliefs as this Honble Court may deem fit and proper in the circumstances of the case. (SIC)

2. The petitioners are aggrieved by Ext.P14, in

which an order is passed by the 5 th respondent blacklisting the petitioners from participating in future tenders. One of the grievance of the petitioners is that Ext.P14 is an order passed without giving an opportunity of hearing to the petitioners.

3. The learned Government Pleader, after

getting instructions submitted that, the authority is withdrawing Ext.P14 order and a fresh order in accordance with law will be passed, after giving an opportunity of hearing to the petitioners. If that be the case, Ext.P14 order can be set aside. Therefore, this Writ Petition is allowed with the following manner; i. Ext.P14 order is set aside. ii. I make it clear that the 5 th respondent is free to pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioners. iii. The petitioners are free to raise all the contentions raised in this writ petition before the appropriate authorities, once a notice is received. Sd/- P.V.KUNHIKRISHNAN nvj JUDGE APPENDIX OF WP(C) 3912/2024 PETITIONER EXHIBITS EXHIBIT-P1 THE TRUE COPY OF THE DEED OF PARTNERSHIP DATED 11/2/2016 OF THE PARTNERSHIP FIRM BY NAME PURAYIL GROUP CONSTRUCTION EXHIBIT-P2 THE TRUE COPY OF THE MEMORANDUM ACKNOWLEDGING RECEIPT OF DOCUMENT OF THE FIRM PURAYIL GROUP CONSTRUCTION EXHIBIT-P3 THE TRUE COPY OF THE AGREEMENT DATED FOURTH RESPONDENT AND PURAYIL GROUP CONSTRUCTION EXHIBIT-P4 THE TRUE COPY OF THE LETTER DATED RESPONDENT TO THE CONTRACTOR EXHIBIT-P5 THE TRUE COPY OF THE

REPLY DATED TO THE FOURTH RESPONDENT EXHIBIT-P6 THE TRUE COPY OF THE JUDGMENT DATED THE FILES OF THIS HONOURABLE COURT EXHIBIT-P7 THE TRUE COPY OF THE ORDER DATED RESPONDENT

EXHIBIT-P8 THE TRUE COPY OF THE INTERIM ORDER

DATED 10/8/2022 IN W.P. (C)NO.25661/2022 ON THE FILES OF THIS HONOURABLE COURT EXHIBIT-P9 THE TRUE COPY OF THE ORDER DATED THE FILES OF THIS HONOURABLE COURT EXHIBIT-P10 THE TRUE COPY OF THE ORDER DATED THE FILES OF THIS HONOURABLE COURT EXHIBIT-P11 THE TRUE COPY OF THE ORDER BEARING NO.JS/ESTT/1667/83, DATED 24/9/2021 OF THE SUPERINTENDING ENGINEER, MINER IRRIGATION CIRCLE, KOZHIKODE

EXHIBIT-P12 THE TRUE COPY OF THE SHOW CAUSE NOTICE DATED 28/9/2022 ISSUED BY THE FIFTH RESPONDENT EXHIBIT-P13 THE TRUE COPY OF THE REPLY DATED PARTNER, PURAYIL GROUP CONSTRUCTION TO THE FIFTH RESPONDENT EXHIBIT-P14 THE TRUE COPY OF THE ORDER DATED RESPONDENT EXHIBIT15 THE TRUE COPY OF THE REPRESENTATION DATED 9/6/2023 SUBMITTED BY THE PETITIONERS BEFORE THE FIFTH RESPONDENT EXHIBIT-P16 THE TRUE COPY OF THE ORDER DATED RAIBARELI VS. STATE OF UTTER PRADESH AND OTHERS REPORTED IN 2022 LIVE LAW

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EXHIBIT-P17 THE TRUE COPY OF THE RELEVANT PORTION OF THE TENDER IN RESPECT OF THE MINI CIVIL STATION, PANOOR DOWNLOADED FROM THE INTERNET EXHIBIT-P18 THE TRUE COPY OF THE RELEVANT

PORTION OF THE TENDER IN RESPECT OF THE CONSTRUCTION OF THE FIRE AND RESCUE STATION, PANOOR DOWNLOADED FROM THE INTERNET EXHIBIT-P19 THE TRUE COPY OF THE TENDER SUMMERY OF GENERAL CONSTRUCTION OF CHAIN LINKED COMPOUND WALL FOR GOVERNMENT ARTS AND SCIENCE COLLEGE, CHOKLI DOWNLOADED

FROM THE INTERNET RESPONDENTS EXHIBITS : NIL //TRUE COPY// PA TO
JUDGE

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