

(2021) 01 KL CK 0448

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28986 Of 2020

K V Pradeesh Kumar

APPELLANT

Vs

Travancore Devaswom Board And Ors

RESPONDENT

Date of Decision : 20-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0448

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : K. Sasikumar, S. Aravind, P.S. Raghukumar, G. Biju

Judgement

1. This writ petition is filed seeking the following reliefs:

â??i) To call for the records leading to the issue of Exhibit P2 and quash the same by the issue of a writ in the nature of certiorari;

ii) To issue a writ in the nature of mandamus directing respondents to disburse the DCRG due to the petitioner immediately and to pay interest at the market rate for the delay caused in payment.

iii) To issue a writ in the nature of mandamus directing the 1st respondent to consider and pass orders on Exhibit P3 representation submitted by the petitioner within a time frame after giving an opportunity to the petitioner of being heard as may be prescribed by this Hon'ble Court.â??

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. It is submitted by the learned counsel for the petitioner that the petitioner has preferred Ext.P3 representation before the respondents and that

Ext.P2 is an internal communication which has been issued without any notice to the petitioner. It is further submitted that any fixation of liability on

the petitioner could have been done only with notice to the petitioner.

4. The learned Standing Counsel appearing for the respondents submits that the liability on the petitioner has been duly fixed and that an amount of

Rs.5,16,672/- has been found due from the petitioner.

5. Having considered the contentions advanced on either side, I am of the opinion that a fixation of liability could have been done only with due notice

to the petitioner. In view of the fact that the petitioner has approached the respondents preferring Ext.P3 representation, it has to be considered with

notice to the petitioner and after considering all the legal aspects of the matter.

In the above view of the matter, there will be a direction to the 1st respondent to take up, consider and pass orders on Ext.P3 representation preferred

by the petitioner with notice to the petitioner as well and after hearing the petitioner by any appropriate means including through video conferencing.

The admitted amounts due to the petitioner less the liability, if any, fixed shall be released to the petitioner without delay, at any rate, within a period of

one month. The 1st respondent shall pass appropriate orders after hearing the petitioner and after considering his contentions as well on Ext.P3,

untrammelled by Ext.P2, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.