

(2014) 09 KAR CK 0146

In the Karnataka High Court

Case No : Writ Petition No. 44848 of 2011 (LB-RES-PIL)

Kallesh Raj Patil

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 15-09-2014

Acts Referred:

Citation : (2014) 4 AKR 723

Hon'ble Judges : D.H. Waghela, C.J;Ashok B. Hinchigeri, J

Bench : Division Bench

Advocate : Sumana Baliga M, Advocate for the Appellant; R. Devdas, Swamy Shivaprakash, Krishnamurthy M.R. and P. Nishan Unni, Advocate for the Respondent

Judgement

1. The petitioners are seeking mandamus to respondent Nos. 4 to 6 to consider the representation, dated 15.8.2011 (Annexure-L) for completing the pending works, under Kriya Yojane for the year 2008-09, enumerated in paragraph-15 of the writ petition. Learned counsel for the petitioners Smt. Sumana Baliga submits that seven works in question are not being completed despite enormous expenditure incurred by the Government. She submits that the information obtained under the Right to Information Act is that the seven works in question are incomplete. She further submits that the workers are not paid the wages and that unless the payment is made to them and the works in question are completed, the public are not going to be benefited. On the other hand, executing the work in part amounts to improper utilization of the taxpayers' money.

2. Learned Prl. G.A. Sri. R. Devdas, appearing for respondent Nos. 1 to 3 submits that the works are completed. In support of his submission, he brings to our notice the photographs taken before commencement of the work, when the work was in progress and on the completion of the works in question. The same are at Annexures R-1 to R-7 for the seven works respectively. He submits that the payments in respect of two works are not made on account of the pendency of

an enquiry before the ombudsman and in respect of the remaining five works, the payments are already made to the labourers.

3. Sri. Swamy Shivaprakash, learned counsel appearing for respondent Nos. 4 to 6, also makes the submissions akin to those of the learned Prl.G.A.

4. The subject matter of this Public Interest Litigation is the completion of seven works in question. Whether the payments are made to the labourers or to the suppliers of the materials need not be gone into in this proceeding. A party aggrieved by the non-payment of wages, etc., he/she may have to ventilate his/her grievance in appropriate proceedings.

5. In this proceeding, we are only concerned as to whether the works in question are complete or not. The memo filed on behalf of respondent Nos. 1 to 3 furnishes the material particulars of the completion of the works. It is also accompanied by the supporting photographs taken at different stages - before the commencement of the work, during the course of the work and on completion of the work. This memo is not disputed or contradicted or controverted by filing any counter memo or affidavit by the petitioners. We find it difficult to act on the ipse dixit of the petitioners that the works in question are not completed.

6. In the result, we dispose of this petition recording the submissions made on behalf of respondent Nos. 1 to 6 that the seven works in question are completed. The documents lying in the safe custody of the Registrar (Judicial) are directed to be returned to the concerned learned counsel under acknowledgement.