

(2011) 01 KL CK 0166

In the High Court Of Kerala

Case No : Writ Petition (C) No. 22718 of 2010 (L)

Sri K. Sadasivan

APPELLANT

Vs

Sree Thricherumanna Alias, Malabar Devaswam Board and
Executive Officer, Sri. Thricherumanna

RESPONDENT

Date of Decision : 05-01-2011

Acts Referred:

Citation : (2011) 01 KL CK 0166

Hon'ble Judges : Thottathil B. Radhakrishnan, J;P.S. Gopinathan, J

Bench : Division Bench

Advocate : Nirmal S, for the Appellant; K. Mohanakannan, SC and Malabar Devaswom, for the Respondent

Judgement

Thottathil B. Radhakrishnan, J.—The Petitioner undertook a contract work for the first Respondent. According to him, certain amounts are due to him under the contract. He moved this Court. Ext.P6 judgment was issued refusing to entrain the matter in writ jurisdiction. He, thereafter, sought for certain information under the Right To Information Act. That was given as per Ext.P7. In the last sentence of Ext.P7, the executive officer of the first Respondent says that certain amounts are retained and some reasons are given for such retention. Now, it is submitted on behalf of the first Respondent that those amounts stand forfeited since the Petitioner did not carry out the needful as stated in the last paragraph of Ext.P7, while the learned Counsel for the Petitioner says that he has materials with him to show to the contrary. We are sure that if we were to look into those materials, we would be going into the arena which is exclusively to be kept for adjudication by civil courts, being disputed questions of fact and law in relation to a contract between parties. In that view of the matter, we give the Petitioner liberty to move the first Respondent and offer, if necessary, to rectify the needful subject to the first Respondent's concurrence and if parties do not have an agreed result, it would be open to either of them to move the appropriate authority for relief. It is clarified that we have not expressed anything on the merits of the matter interse the parties. The writ petition is closed.