

(2010) 09 KL CK 0357

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27608 of 2009 (S)

V.N. Saji

APPELLANT

Vs

Chief Engineer, PWD (Roads and Bridges), Chief Technical
Examiner (Finance), The Executive Engineer and The
Assistant Executive Engineer

RESPONDENT

Date of Decision : 30-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0357

Hon'ble Judges : Jasti Chelameswar, C.J;P.R. Ramachandra Menon, J

Bench : Division Bench

**Advocate : C.T. Jestin, for the Appellant; Government Pleader, for the
Respondent**

Judgement

P.R. Ramachandra Menon, J.—The petitioner has approached this Court with the following prayers:

(i) To issue a writ of mandamus or other appropriate writ or order directing the 2nd respondent to carry out an immediate technical examination by personally visiting the work site covered by Ext.P3 and take appropriate action against the culprits, if any irregularity is found out.

(ii) To issue a writ of mandamus or appropriate writ or order directing the 1st respondent to conduct a field study of the sites mentioned in Ext.P4 through the 2nd respondent and approve the same subject to the report of the 2nd respondent only; and

(iii) To grant such other relief, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case.

2. Pursuant to the observation made by the learned Single Judge the mater was listed before this Court, the reliefs sought for, being more connected with the nature of a public interest litigation.

3. When the matter came up for consideration before this Court on 7.12.2009, an interim order was passed directing the second respondent to file a report, after inspection, within four weeks.

4. A counter affidavit has been filed on behalf of the respondents 1, 3 and 4. Pursuant to the interim order as above, an enquiry report has also been filed by the second respondent, pointing out the actual facts and figures revealed during the course of inspection. It is stated in para 3.1.0 of the said report under the head "Conclusion" as follows:

3.1.0. Out of the five works mentioned as per exhibit P3, two works are for raising either side of culvert and construction of side drain, one work is for construction of Irish drain and one work is for road center line marking and painting of structure and remaining one work is for providing bitumen surfacing. All the five works are being executed at site and not fictitious in nature and is found necessary for the proper upkeep of the road. It is submitted that the complaint in respect of these works is without any base.

5. The learned Government Pleader appearing for the respondents submits that, pursuant to the inspection and report, steps are being pursued for realising the excess payment noted as disbursed to the concerned contractor. With regard to the aspects in connection with the works, it has been clearly stated in the said report that all the "five" works mentioned in Ext.P3 are being executed at site, which are not fictitious in nature and are seen necessary for the proper upkeep of the road.

In the above circumstances, we find that no further orders are called for in the writ petition. Writ petition is closed, however, making it clear that the concerned respondents shall pursue follow-up action to take the proceedings to the logical conclusion, in accordance with law, as expeditiously as possible.