

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.V. RAMAKRISHNA PILLAI

Wednesday, the 22nd day of July 2015/31st Ashadha, 1937

WP(C) No. 22145/2015 (P)

PETITIONERS:-

1. GOVERNMENT CONTRACTORS' ASSOCIATION,
REG.NO.604, DISTRICT COMMITTEE, BRIGRADE LANE,
P M G JUNCTION, THIRUVANANTHAPURAM,
REPRESENTED BY ITS PRESIDENT C.RADHAKRISHNA KURUP.
2. C.RADHAKRISHNA KURUP, AGED 54 YEARS, S/O.CHANDRASEKHARA KURUP,
GOVERNMENT CONTRACTOR, CHARUVILAPUTHAN VEEDU,
CHATHANPARA, THOTTAKKADU P.O., KALLAMBALAM,
THIRUVANANTHAPURAM-695 605.

RESPONDENTS:-

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT (EW) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. CHIEF ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT,
3RD FLOOR, REVENUE COMPLEX, PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM-695 033.
3. THE CONVENER, STATE DECENTRALIZATION COORDINATION COMMITTEE,
PLANNING BOARD, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the 1st respondent to continue with the e-tendering system evolved by it and affirmed by this Hon'ble Court evidenced by Exhibit P1 in respect of tenders floated by the Local Bodies in the State, pending disposal of the above writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.K.RAMAKUMAR (SENIOR ADVOCATE) along with M/s. S.M.PRASANTH, C.DINESH, G.RENJITH & ASHA BABU, Advocates for the petitioners and of GOVERNMENT PLEADER for R1 to R3, the court passed the following:

P.T.O.

A.V.RAMAKRISHNA PILLAI, J

WPC No.22145 of 2015

Dated this the 22nd day of July, 2015

ORDER

G.P. takes notice for R1 to R3.

I have heard the learned senior counsel for the petitioner.

2. The petitioner is seeking an interim direction to the first respondent to continue with the e-tendering system evolved by it and said to have been affirmed by this Court by Ext.P1 judgment in respect of the tenders floated by the Local Bodies in the State, pending disposal of the writ petition.

3. It was pointed out by the learned senior counsel that this Court as per the interim order dated 6th July 2015 in WPC No.20172/2015 directed that clause 2.2 of Ext.P5 in this case (Ext.P15 in WPC No.20172/2015) be kept in abeyance. I have verified the judgment papers in the said case and connected case, i.e. WPC Nos.15444/2015 & 15636/215. As per interim order dated 24.6.2015 in WPC

No.15444/2015, there was a direction to the respondents not to take any decision diluting Ext.P5 in that case and any decision taken without hearing the petitioner therein should not be implemented. When WPC No.20172/2015 filed by the same petitioner came up for admission on 6.7.2015, it was directed that clause 2.2 in Ext.P15 in that case (Ext.P5 in this case) be kept in abeyance for two weeks. Later on 8.7.2015 by a common order in both these petitions, it was made clear that the interim order dated 6.7.2015 will not stand in the way of the co-ordination committee in taking a final decision. Later on 15.7.2015, there was a further direction that in WPC No.20172/2015, further action pursuant to the aforesaid decision be kept in abeyance for one week and the case was adjourned to 22.7.2015.

4. Today the aforesaid three cases were taken up for consideration along with another writ petition, i.e. WPC No.22070/2015 filed by the President and a member of District Panchayat, Pathanamthitta. All these cases were heard and reserved for judgment. Because of the

WPC No.22145/2015

3

exigency pointed out by the petitioners in WPC No.22070/2015, it was clarified by a separate order that the interim order already passed shall not stand in the way of the Chief Engineer and the District Panchayat Committee in approving the proposals already submitted by the Panchayaths. However, it was made clear that the same would not confer any special right on any of the petitioners.

In the light of the above, it may not be proper to grant a positive interim relief as prayed for in this writ petition. However, if the first respondent has initiated any e-tendering process in respect of any of the local bodies, the same shall continue and the finalisation of the same shall be only after further orders from this Court.

css/

VA
23/7/15

D
23/7/15

(True Copy)

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE



ASSISTANT REGISTRAR

Exhibit P1: True copy of Judgment dated 20.1.2015 in
WP(C)No.28179 of 2013.

Exhibit P5 (Exhibit P15 in WP(C)No.20172/2015): True copy of the
proceedings of the Co-ordination committee dated 24.06.2015.