

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

TUESDAY, THE 12TH DAY OF MAY,2020/22ND VAISAKHA, 1942

W.P(C) NO. 9852 OF 2020

PETITIONER:

BINOY P.T, AGED 46,S/O P.K THANKAPPAN NAIR
PLAVADA HOUSE, SOUTH VAZHAKULAM P.O,
ALUVA, ERNAKULAM DISTRICT,KERALA, PIN: 683105

BY ADVS.

SRI.M.SATHYANATHA MENON,
SMT. KAVERY S.THAMPI

RESPONDENTS:

1. THE STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION,
VALAPATTANAM, KERALA 670010
2. THE DISTRICT POLICE CHIEF, KANNUR, PIN 670002
3. THE SUPERINTENDING ENGINEER
MINOR IRRIGATION CIRCLE,KOZHICODE, PIN: 673001
4. PRAJITH K.,MADATHIL HOUSE,
KAKKATHURUTHI, NARATH,KOLACHERRY P.O
KANNUR DISTRICT, PIN: 670601
5. SAVEEN KUMAR M.,SANILA SADANAM, 2 NARATH
NARATH P.O, KANNUR DISTRICT, PIN; 670603

BY GOVERNMENT PLEADER SRI.K.P.HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 12.05.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Admit.

2. The learned Government Pleader takes notice for R1 to R3. Notice by speed post to R4 and R5. The petitioner shall endeavour to serve notice on R4 and R5 through email/whatsapp message as well. The petitioner is a PWD Contractor and was awarded work for renovation of Chirakkal chira in Chirakkal Panchayat of Kannur District. Owing to the COVID 19, the work was suspended for some time. However, the District Collector through Ext.P2 proceedings dated 15.04.2020 has granted permission to resume the work at Chirakkalchira on account of the urgency involved in completing the work. Consequently through Ext.P2, the Irrigation Department has called upon the petitioner to complete the work on or before 22.05.2020. It is the case of the petitioner that respondents 4 and 5 are creating unnecessary obstruction to the work being carried out by him and also to vehicles and other equipment being used by him.

3. The learned Government Pleader on instructions submits that at present there is no law and order situation and that this writ petition is nothing but delaying tactics on part of the petitioner to ensure that he gets further time to complete the work.

4. Having considered the submissions of the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the official respondents, I deem it appropriate to grant an interim order directing respondents 1 and 2 to ensure that respondents 4 and 5 or their men do not in any manner prevent the petitioner from carrying out the work required to be carried out in terms of Exts.P1 to P3 and that no obstruction is caused to the petitioner or his workers and vehicles by respondents 4 and 5 or their men.

List on 27.05.2020 for further consideration.

**GOPINATH P.
JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE AGREEMENT NO: SE (MI)41/2019-2020 DATED 14.11.2019 EXECUTED BY THE PETITIONER WITH THE SUPERINTENDING ENGINEER, MINOR IRRIGATION CIRCLE, KOZHIKODE.

EXHIBIT P2: TRUE COPY OF THE COMMUNICATION NO:DCKNR/9955/2018-DM2 ISSUED BY THE DISTRICT COLLECTOR TO THE EXECUTIVE ENGINEER, MINOR IRRIGATION, KANNUR DATED 15/4/2020.

EXHIBIT P3: TRUE COPY OF THE EMAIL COMMUNICATION ISSUED TO THE PETITIONER FROM THE OFFICE OF THE ASSISTANT ENGINEER, MINOR IRRIGATION SECTION DATED 7.5.2020.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE 1ST RESPONDENT DATED 9.5.2020.

EXHIBIT P5: TRUE COPY OF THE EMAIL PAGE OF PETITIONER WITH DATES 9.05.2020 AND 10.05.2020.