

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 725 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4845/2023 DATED 21.03.2023 OF HIGH
COURT OF KERALA

APPELLANT/PETITIONERS:

M/S. STREFA PROJECTS PRIVATE LTD
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA, HYDERABAD,
TELANGANA STATE - 500 062, REPRESENTED BY ITS,
DIRECTOR, P. CHANDRABABU, S/O. P, DASTAGIRI, PIN -
500062

BY ADVS.
GEORGE MATHEW
ELSA DENNY PINDIS
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN -
695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H. CIRCLE,
KERALA WATER AUTHORITY, THIRUVALLA, PATHAMANTHITTA, PIN
- 698101

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05.04.2023, ALONG WITH 14.08.2023 THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 717 OF 2023

AGAINST THE JUDGMENT IN WP(C) 3350/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

M/S LOTUS ENGINEERS AND CONTRACTORS KERALA PVT
LTD, NEAR CIVIL LINE ROAD, KARUNAGAPALLY, KOLLAM
DISTRICT,, PIN - 690518

BY ADVS.

V.PREMCHAND

SURYA MOHAN P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
PUBLIC HEALTH CIRCLE, KERALA WATER AUTHORITY,
THIRUVALLA, PATHANAMTHITTA DISTRICT,, PIN - 689101

BY ADV. P.M.JOHNY

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 755 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 8578/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S HI- TECH CONSTRUCTION GROUP
A1216 217 & 2018 CITI TOWER, SECTOR- 15 CBD
BELAPUR, NAVI MUMBAI 400614, REPRESENTED BY POWER
OF ATTORNEY HOLDER, ABRAHAM BABY, AGED 53 YEARS,
S/O T.O.BABY, RESIDING AT THOTTATHIL ST. MARYS ,
NEAR PUSHPAGIRI MEDICAL COLLEGE, THIRUVALLA,
PATHANAMTHITTA DISTRICT PIN 689101., PIN - 689101
BY ADVS.
K.N.RADHAKRISHNAN(THIRUVALLA)
C.S.MANILAL

RESPONDENT/S:

- 1 THE KERALA WATER AUTHORITY
JALA BHAVAN, NANADHAVANAM, THIRUVANANTHAPURAM PIN
-695033. REPRESENTED BY ITS MANAGING DIRECTOR,,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, JUNCTION, PH CIRCLE,
KERALA WATER AUTHORITY, ALAPPUZHA PIN 688 001, PIN
- 688001
BY ADV P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON

WA NO. 725 OF 2023 & CON.CASES

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12.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 760 OF 2023

AGAINST THE JUDGMENT IN WP(C) 6812/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

MUHAMMED SAFVAN M.K
AGED 38 YEARS, S/O. ABDULLA, AGED 38 YEARS,
AMINICKAMPARAMBIL HOUSE, KOOTTUMALA, OM MURI,
OORAKAM P.O.,MALAPURAM DISTRICT, PIN - 676519
BY ADVS.GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, MALAPURAM, PIN -
676505
BY ADV P.M.JOHN
ADV.GEORGIE JOHN

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 761 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 37273/2022 DATED 24.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY (P) LTD
REP . BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENT/S:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KANNUR), KANOORKARA,
KANNUR., PIN - 670012
BY ADV P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 768 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 457/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

TOMCO ENGINEERING (P) LTD
REPRESENTED BY ITS MANAGING DIRECTOR, PALANATTIL,
KUNNACKAL.P.O., MUVATTUPUZHA, ERNAKULAM., PIN -
682316
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM, PIN -
695033
- 2 SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE), HIGH ROAD, SAKTHAN
THAMPURAN NAGAR, THRISSUR., PIN - 680001

ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 774 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 34088/2022 DATED 24.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY PVT LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KOZHIKODE)
MALAPARAMBA.P.O., KOZHIKODE., PIN - 673009
BY ADV P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 775 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4717/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062, REPRESENTED
BY ITS, DIRECTOR, P. CHANDRABABU, S/O. P,
DASTAGIRI, PIN - 500062
BY ADVS.GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENT/S:

- 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY,
WATER RESOURCES DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY REPRESENTED BY ITS MANAGING
DIRECTOR, HEAD OFFICE, JALABHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033
- 3 THE SUPERINTENDING ENGINEER, OFFICE OF THE
SUPERINTENDING ENGINEER, P.H. CIRCLE, KERALA WATER
AUTHORITY, THIRUVALLA, PATHAMANTHITTA, PIN -
689101

BY ADV. P.M. JOHNY
ADV.GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-13-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 778 OF 2023

AGAINST THE JUDGMENT IN WP(C) 29971/2022 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M.B. PRADEEP
AGED 50 YEARS
S/O. BHASKARAN NAIR, MATHILAKATH HOUSE
[X/662(1)], KOPPARAMBIL DIVINE VILLAGE ROAD,
KUSUMAGIRI. P.O., KAKKANAD, PIN - 682030
BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM-, PIN - 685033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
MUVATTUPUZHA, PIN - 686673
- 3 EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH DIVISION,
MUVATTUPUZHA, PIN - 686673

BY ADV. P.M. JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE

WA NO. 725 OF 2023 & CON.CASES

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COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 780 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6328/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

K.O.JOSE
AGED 74 YEARS
S/O. K.U. OUSEPH, KELAKATH HOUSE, OLD MARTHOMA
CHURCH ROAD, PERUMBAVOOR, ERNAKULAM, PIN - 683542
BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM, PIN - 685033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, M
UVATTUPUZHA, ERNAKULAM, PIN - 686673

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 781 OF 2023

AGAINST THE JUDGMENT IN WP(C) 9528/2023 DATED 22.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

ABU MATHEW
AGED 71 YEARS
KOYIKKAL HOUSE, KARIKODE.P.O., KOTTAYAM, PIN -
686610
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM, PIN -
695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE) KOTTAYAM, KOTTAYAM., PIN -
686002

BY ADV. P.M. JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-17-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 784 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6510/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M.B. PRADEEP
AGED 50 YEARS
S/O. BHASKARAN NAIR, MATHILAKATH HOUSE [X/662(1)],
KOPPARAMBIL DIVINE VILLAGE ROAD, KUSUMAGIRI. P.O.,
KAKKANAD, PIN - 682030
BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM, PIN - 685033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHAN THAMPURAN NAGAR, THRISSUR, PIN -
680001
- 3 EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH DIVISION
SAKTHAN THAMPURAN NAGAR, THRISSUR, PIN - 680001

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON

WA NO. 725 OF 2023 & CON.CASES

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13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 785 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4420/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

THAMPI C.T
AGED 56 YEARS
S/O. THOMAS, AGED 56 YEARS, C/O. T.D. THARAKAN,
THARAKAN HOUSE, LALLOOR ROAD, AYYATHOLE P.O.,
THRISSUR - 680 005, RESIDING AT CHACKALACKAL
HOUSE, MANJALLOOR, KARIPPAKUNNU,
PATTIKADUP.O., THRISSUR DISTRICT, PIN - 680652
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN

WA NO. 725 OF 2023 & CON.CASES

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- 695033

- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001
BY ADV P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-21-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 786 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 9815/2023 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

TOMCO ENGINEERING (P) LTD
REPRESENTED BY ITS MANAGING DIRECTOR, PALANATTIL,
KUNNACKAL.P.O., MUVATTUPUZHA, ERNAKULAM, PIN -
682316
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM., PIN -
695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE), HIGH ROAD, SAKTHAN
THAMPURAN NAGAR, THRISSUR., PIN - 680001

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-22-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 788 OF 2023

AGAINST THE JUDGMENT IN WP(C) 27666/2022 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M.B PRADEEP
AGED 50 YEARS
S/O. BHASKARAN NAIR, MATHILAKATH HOUSE
[X/662(1)], KOPPARAMBIL DIVINE VILLAGE ROAD,
KUSUMAGIRI. P.O., KAKKANAD, PIN - 682030
BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM-, PIN - 685033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
PALAKKAD, PIN - 678001
- 3 EXECUTIVE ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH DIVISION
PALAKKAD, PIN - 678001

BY ADV. P.M. JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE

WA NO. 725 OF 2023 & CON.CASES

-23-

COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-24-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 793 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 39590/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

ZUBAIR V
AGED 50 YEARS
S/O. ABDULLA, CHERUPARAMBIL HOUSE, KODUR, P.O.
MANGATTUPULAM, MALAPPURAM, PIN - 676504
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN
- 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

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CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001

BY ADVS.

GOVERNMENT PLEADER (B/O)

SRI.P.M.JOHNY (B/O)

ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 797 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 40212/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (MALAPPURAM), MALAPPURAM.,
PIN - 676505
BY ADV P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 799 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 38695/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

THAMPI C.T
AGED 56 YEARS
S/O. THOMAS, AGED 56 YEARS, C/O. T.D. THARAKAN,
THARAKAN HOUSE, LALOOR ROAD, AYYATHOLE P.O.,
THRISSUR - 680 005, RESIDING AT CHACKALACKAL
HOUSE, MANJALLOOR, KARIPPAKUNNU, PATTIKADU
P.O., THRISSUR DISTRICT, PIN - 680652
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,

WA NO. 725 OF 2023 & CON.CASES

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- PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001
BY ADVS.
GOVERNMENT PLEADER (B/O)
SRI.P.M.JOHNY (B/O)
ADV.GEORGIE JOHNY
JOSHY VV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 801 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6365/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

GEORGE MARTIN JOSE
AGED 33 YEARS
S/O. K.O.JOSE, KELAKATH HOUSE, OLD MARTHOMA CHURCH
ROAD, PERUMBAVOOR, ERNAKULAM, PIN - 683542
BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM-, PIN - 685033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KOCHI, ERNAKULAM, PIN - 682011

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 802 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 4734/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD
AGED 38 YEARS
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062, REPRESENTED
BY ITS, DIRECTOR, P. CHANDRABABU, S/O. P,
DASTAGIRI, PIN - 500062
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN
- 695033

WA NO. 725 OF 2023 & CON.CASES

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3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THIRUVALLA,
PATHAMANTHITTA, PIN - 689101

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY
SPL GP, K.V.MANOJKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 803 OF 2023

AGAINST THE JUDGMENT IN WP(C) 38602/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

GEORGE MATHEW
AGED 58 YEARS
S/O. MATHEW, AGED 58 YEARS, EDAPAZHATHIL HOUSE,
MANJALLOOR, VAZHAKULAM P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686670

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

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CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001

BY ADV. P.M.JOHNY
ADV.GEORGIE JOHNY
SPL. GP SRI.K.V.MANOJKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 804 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 39375/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S. MICHAEL & MICHAEL PIPES PVT. LTD
2ND FLOOR, MATHEW SONS GATEWAY, VYTTILA P.O,
ERNAKULAM - 682019, REPRESENTED BY ITS MANAGING
DIRECTOR., PIN - 682019
BY ADV T.V.GEORGE

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM P.O, THIRUVANANTHAPURAM, PIN -
695033
- 2 SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, O/O THE SUPERINTENDING
ENGINEER, P H CIRCLE, (KOCHI), ERNAKULAM P.O,
ERNAKULAM, PIN - 682011

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 808 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 42346/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KOZHIKODE)
MALAPARAMBA.P.O., KOZHIKODE., PIN - 673009

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 809 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 34124/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY PVT LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KOZHIKODE)
MALAPARAMBA.P.O., KOZHIKODE., PIN - 673009
BY ADV P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 810 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 33310/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENT/S:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KOZHIKODE),
MALAPARAMBA.P.O., KOZHIKODE., PIN - 673009

BY ADV P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 815 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 42597/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REENA ENGINEERING AND CONTRACTING COMPANY LTD
REP. BY ITS MANAGING DIRECTOR, 602, SHIV TOWER,
PATTO PLAZA, PANAJI, GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (KOZHIKODE)
MALAPARAMBA.P.O., KOZHIKODE., PIN - 673009
BY ADV P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 821 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 41138/2022 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

TOMCO ENGINEERING (P) LTD
REPRESENTED BY ITS MANAGING DIRECTOR, PALANATTIL,
KUNNACKAL.P.O., MUVATTUPUZHA, ERNAKULAM., PIN -
682316
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM., PIN -
695033
- 2 SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE THRISSUR), HIGH ROAD,
SAKTHAN THAMPURAN NAGAR, THRISSUR., PIN - 680006

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
13.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 829 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 39946/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/APPELLANT:

VELAYUDHAN M
AGED 60 YEARS
S/O. MADHAVAN, AGED 60 YEARS, MANHAKKATTE HOUSE,
MUNDOOR P.O., MALAPPURAM DISTRICT, PIN - 679578
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN
- 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

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CIRCLE, KERALA WATERAUTHORITY, THRISSUR DISTRICT,
PIN - 680001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SPL GP, SRI.K.V.MANOJKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 833 OF 2023

AGAINST THE JUDGMENT IN WP(C) 11188/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.,
II FLOOR, SRINIVASA SQUARE, IMAGE HOSPITAL LANE,
MADHAPUR, HYDERABAD- 500 081, REPRESENTED BY
AUTHORISED SIGNATORY, C INDRAKUMAR, AGED 53 YEARS,
S/O SURYA RAO, A 404, TRENDSETWINZ, NANAKRAMGUDA,
HYDERABAD,, PIN - 500033

BY ADVS.

V.PREMCHAND

SURYA MOHAN P.

HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHANTAMPURAN NAGAR, THRISSUR,, PIN -
680001
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHANTAMPURAN NAGAR, THRISSUR,, PIN -
680001

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

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ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 834 OF 2023

AGAINST THE JUDGMENT IN WP(C) 11347/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.,
II FLOOR, SRINIVASA SQUARE, IMAGE HOSPITAL LANE,
MADHAPUR, HYDERABAD- 500 081, REPRESENTED BY
AUTHORISED SIGNATORY, C INDRAKUMAR, AGED 53 YEARS,
S/O SURYA RAO, A 404, TRENDSETWINZ, NANAKRAMGUDA,
HYDERABAD,, PIN - 500033

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS/RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KOCHI, ERNAKULAM DISTRICT, PIN - 682011

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
20.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 841 OF 2023

AGAINST THE JUDGMENT IN WP(C) 7715/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

J.P SAJIMON
AGED 60 YEARS
S/O JOSEPH, PERUMATTIKUNNEL HOUSE, MUTTOM P.O,
THODUPUZHA, PIN - 685587
BY ADVS.
JOBY JACOB PULICKEKUDY
ANIL GEORGE
DAJISH JOHN
SMITHA PHILIPOSE
ASHIK TOM
ALEX KEVIN GEORGE

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH CIRCLE KERALA WATER AUTHORITY,
MUVATTUPUZHA, PIN - 686661

BY ADV P.M.JOHNY
ADV. GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 842 OF 2023

AGAINST THE JUDGMENT IN WP(C) 9/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

REENA ENGINEERS AND CONTRACTORS (P) LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, 602, SHIV
TOWER, PATTO PLAZA, PANAJI,GOA., PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, P H CIRCLE (THRISSUR) HIGH ROAD.
SAKTHANTHAMPURAN NAGAR, THRISSUR.H.P.O.,
THRISSUR., PIN - 680001
BY ADV. P.M. JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 847 OF 2023

AGAINST THE JUDGMENT IN WP(C) 7618/2023 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

REENA ENGINEERS AND CONTRACTORS PVT. LTD
REPRESENTED BY ITS MANAGING DIRECTOR, NO. 602,
SHIV TOWER, PATTO PLAZA, PANAJI, GOA., PIN -
403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM., PIN - 695033
- 2 SUPERINTENDING ENGINEER
O/O. THE SUPERINTENDING ENGINEER, PH CIRCLE
(MALAPPURAM), MALAPPURAM.P.O., MALAPPURAM., PIN -
676505
- 3 UNION OF INDIA REP. BY ITS SECRETARY
MINISTRY OF MICRO SMALL AND MEDIUM ENTERPRISES,
NIRMAN BHAVAN, 7TH FLOOR, MOULANA AZAD ROAD, NEW
DELHI., PIN - 110108
- 4 STATE OF KERALA
REP. BY ITS SECRETARY, DEPARTMENT OF FINANCE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001
BY ADVS.

WA NO. 725 OF 2023 & CON.CASES

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BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA
(B/O)
SRI.K.V.MANOJKUMAR, SPECIALGOVERNMENT PKEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 853 OF 2023

AGAINST THE JUDGMENT IN WP(C) 9729/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

REENA ENGINEERS AND CONTRACTORS (P) LTD
REPRESENTED BY ITS MANAGING DIRECTOR, 602, SHIV
TOWER, PATTOPLAZA, PANAJI, GOA, PIN - 403001
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM, PIN -
695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE), HIGH ROAD, SAKTHAN
THAMPURAN NAGAR, THRISSUR., PIN - 680001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 857 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 10218/2023 DATED 24.3.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

T. MOHAMMED ALI, AGED 55 YEARS
S/O. VEERAN HAJI, THADATHIL HOUSE, KANAYAM,
SHORNUR, PALAKKAD DISTRICT, PIN - 679121
BY ADVS.SANTHEEP ANKARATH
P.ANIRUDHAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695001
- 3 THE SUEPINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, HIGH ROAD, SAKTHAN
THAMPURAM NAGAR, THRISSUR DISTRICT, PIN - 680001
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR,SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 861 OF 2023

AGAINST THE JUDGMENT IN WP(C) 9831/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

GEORGE MATHEW
S/O. MATHEW, AGED 58 YEARS, EDAPAZHATHIL HOUSE,
MANJALLOOR, VAZHAKULAM P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN - 686670

BY ADVS.

GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001
BY ADV JOSH VV
BY ADV. P.M. JOHNY
ADV. GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 862 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 11207/2023 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062, REPRESENTED
BY ITS, DIRECTOR, P. CHANDRABABU, S/O. P,
DASTAGIRI, PIN - 500062

BY ADVS.
GEORGE MATHEW
ELSA DENNY PINDIS
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THIRUVALLA,
PATHAMANTHITTA, PIN - 689101

WA NO. 725 OF 2023 & CON.CASES

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BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 864 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 10952/2023 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

K.I. PAULOSE
AGED 66 YEARS
S/O. ITTIAVIRAH, KUNNEL HOUSE, KUNNACKAL P.O.,
MUVATTUPUZHA TALUK, VALAKOM, ERNAKULAM DISTRICT,
PIN - 682316
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, ERNAKULAM, KOCHI,
PIN - 682011

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

-57-

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 865 OF 2023

AGAINST THE JUDGMENT IN WP(C) 3196/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. SURENDRA INFRASTRUCTURE PVT. LTD
HEAD OFFICE, 9, EZRA STREET, 2NDFLOOR, KOLKATA -
700001, REPRESENTED BY ITS SITE ENGINEER, P.S.
SURESH, AGED 58 YEARS, PULATTU HOUSE,
THOTTKATTUKARA, ALUVA, PIN - 683108

BY ADVS.

GEORGE MATHEW

M.D.SASIKUMARAN

SUNIL KUMAR A.G

MATHEW K.T.

GEORGE K.V.

STEPHY K REGI

ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

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CIRCLE, KERALA WATER AUTHORITY, HOSPITAL ROAD,
ERNAKULAM, PIN - 682011

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

- 60 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 870 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 5303/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

ABU MATHEW
AGED 71 YEARS
KOYIKKAL HOUSE, KARIKODE.P.O., KOTTAYAM., PIN -
686610
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM., PIN -
695033
- 2 THE SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY (P H CIRCLE) PALAKKAD, PALAKKAD.H.P.O.,
PIN - 678001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 871 OF 2023

AGAINST THE JUDGMENT IN WP(C) 6187/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B.UNNIKRISHNAN NAIR, AGED 53 YEARS
SAROVILLA, KADAVILA, VANCHIYOOR PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT,, PIN -
695102

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, OFFICE OF THE
SUPERINTENDING ENGINEER ,PUBLIC HEALTH CIRCLE,
THIRUVANANTHAPURAM, DISTRICT,, PIN - 695033
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PROJECT
DIVISION,THIRUVANANTHAPURAM, DISTRICT,, PIN -
695033
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 872 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4905/2023 DATED 24.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA, VANCHIY00R PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT,, PIN -
695102

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, AALTHARA JUNCTION,
NANDHAVANA, PALAYAM, THIRUVANANTHAPURAM,
DISTRICT,, PIN - 695033
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, AALTHARA JUNCTION,
NANDHAVANA, PALAYAM, THIRUVANANTHAPURAM,
DISTRICT., PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28.04.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 873 OF 2023

AGAINST THE JUDGMENT IN WP(C) 3338/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

RAJU S,
AGED 58 YEARS
RESIDING AT LEENA BHAVAN, MAYYANAD P O, KOLLAM
DISTRICT,, PIN - 691303
BY ADVS.
V.PREMCHAND
SURYA MOHAN P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER.
PUBLIC HEALTH CIRCLE, KERALA WATER AUTHORITY
KOLLAM DISTRICT,, PIN - 695033
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PROJECT DIVISION, KOLLAM
DISTRICT,, PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 875 OF 2023

AGAINST THE JUDGMENT IN WP(C) 6265/2023 DATED 24.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.,
II FLOOR, SRINIVASA SQUARE, IMAGE HOSPITAL LANE,
MADHAPUR, HYDERABAD- 500 081, REPRESENTED BY
AUTHORISED SIGNATORY, C INDRAKUMAR, AGED 53 YEARS,
S/O SURYA RAO, A 404, TRENDSETWINZ, NANAKRAMGUDA,
HYDERABAD,, PIN - 500033

BY ADVS.

V.PREMCHAND

SURYA MOHAN P.

HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHAN TAMPURAN NAGAR, THRISSUR,, PIN -
680001
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHANTAMPURAN NAGAR, THRISSUR,, PIN -
680001

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

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ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 876 OF 2023

AGAINST THE JUDGMENT IN WP(C) 6188/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

M/S OM DHAR ENGINEERING PVT. LTD.
II FLOOR, SRINIVASA SQUARE, IMAGE HOSPITAL LANE,
MADHAPUR, HYDERABAD- 500 081, REPRESENTED BY
AUTHORISED SIGNATORY, C INDRAKUMAR, AGED 53 YEARS,
S/O SURYA RAO, A 404, TRENDSETWINZ, NANAKRAMGUDA,
HYDERABAD, PIN-5, PIN - 500033

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHANTAMPURAN NAGAR, THRISSUR,, PIN -
680001
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, HIGH
ROAD, SAKTHANTAMPURAN NAGAR, THRISSUR,, PIN -
680001

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

- 68 -

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 879 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 40834/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

TOMCO ENGINEERING (P) LTD.
REP. BY ITS MANAGING DIRECTOR, PALANATTIL,
KUNNACKAL.P.O., MUVATTUPUZHA, ERNAKULAM., PIN -
682316
BY ADVS.
P.SHANES METHAR
N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REP. BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM.P.O., THIRUVANANTHAPURAM., PIN -
695033
- 2 SUPERINTENDING ENGINEER
O/O. SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY(PH CIRCLE-MUVATTUPUZHA), MUVATTUPUZHA,
ERNAKULAM., PIN - 686661

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

- 70 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 889 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4615/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

ASHRAF M
AGED 46 YEARS
S/O. KAMMETH HAJI, MOOLAMKUZHIYIL HOUSE,
PAZHAMALLOOR P.O., KOOTILANGADI, MALAPPURAM, PIN -
676506
BY ADVS.
GEORGE MATHEW KARAMAYIL
M.D.SASIKUMAR
A.G.SUNIL KUMAR
K.V.GEORGE
ADARSH KURIAN
ELSA DENNY PINDIS
K.T.MATHEW
STEPHY K.REJI
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
, REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY (KWA) REPRESENTED BY ITS
MANAGING DIRECTOR
HEAD OFFICE, JALA BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033

WA NO. 725 OF 2023 & CON.CASES

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3 THE SUPERINTENDING ENGINEER
, OFFICE OF THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY, P.H. CIRCLE, PALAKKAD, PALAKKAD
DISTRICT, PIN - 678001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 890 OF 2023

AGAINST THE JUDGMENT IN WP(C) 3498/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA, VANCHIYLOOR PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT, PIN -
695102

BY ADVS.
V.PREMCHAND
SURYA MOHAN P.
HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER.
PUBLIC HEALTH CIRCLE, KERALA WATER AUTHORITY
THIRUVANANTHAPURAM, DISTRICT,, PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 892 OF 2023

AGAINST THE JUDGMENT IN WP(C) 43021/2022 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. NAVEEN CONSTRUCTION CORPORATION
NEAR EDAPALLY RAILWAY GATE, AIMS PONEKARA P.O.,
ERNAKULAM, KOCHI - 682 041, REP. BY ITS MANAGING
PARTNER, N. SUGATHAN, AGED 76 YEARS, S/O.
NARAYANAN, ILLIKATTU HOUSE, NEAR EDAPALLY RAILWAY
GATE, ERNAKULAM, PIN - 682041

BY ADVS.

GEORGE MATHEW

M.D.SASIKUMARAN

SUNIL KUMAR A.G

MATHEW K.T.

GEORGE K.V.

STEPHY K REGI

ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
, REPRESENTED BY ITS MANAGING DIRECTOR, HEAD
OFFICE, JALA BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM, PIN - 695033
- 3 THE SUPERINTENDING ENGINEER

WA NO. 725 OF 2023 & CON.CASES

-74-

OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 894 OF 2023

AGAINST THE JUDGMENT IN WP(C) 9142/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062, REPRESENTED
BY ITS, DIRECTOR P. CHANDRABABU, S/O. P,
DASTAGIRI, PIN - 500062

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, THIRUVALLA,
PATHAMANTHITTA, PIN - 689101

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

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ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 897 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4931/2022 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

SAMEER ALI C.T
AGED 38 YEARS
S/O MUHAMMED AGED 38 YEARS, CHANKINGALATHODI
HOUSE, KARATHODE, OORAKAM, MELMURI P.O.,
MALAPURAM, PIN - 676519
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

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CIRCLE, KERALA WATER AUTHORITY, THRISSUR DISTRICT,
PIN - 680001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 898 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 29241/2022 DATED 28.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

AJESH GOPI
AGED 23 YEARS
S/O K.V. GOPI, KANNUPARAMBIL HOUSE, CHENATHUNADU,
CHALAKKUDY, THRISSUR DISTRICT., PIN - 680307
BY ADVS.
JACOB SEBASTIAN
WINSTON K.V
ANU JACOB

RESPONDENTS/RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY
JALABHAVAN, VELLAYAMBALAM P.O, THIRUVANANTHAPURAM
DISTRICT, REPRESENTED BY ITS MANAGING DIRECTOR.,
PIN - 695010
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, OFFICE OF THE
SUPERINTENDING ENGINEER, PUBLIC HEALTH CIRCLE,
THIRUVANANTHAPURAM DISTRICT., PIN - 695033
BY ADV V.V.JOSHI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 899 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4866/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA, VANCHIY00R PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT, PIN-695102.,
PIN - 695102

BY ADVS.

V.PREMCHAND

SURYA MOHAN P.

HALIYA T.P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, ALTHARA
JUNCTION, NANDHAVANAM, PALAYAM THIRUVANANTHAPURAM,
DISTRICT,, PIN - 695033
- 3 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, ALTHARA
JUNCTION, NANDHAVANAM, PALAYAM, THIRUVANANTHAPURAM,
DISTRICT,, PIN - 695033

BY ADV. P.M. JOHNY

ADV. GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 902 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4879/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

SAMEER ALI C.T
AGED 38 YEARS
S/O MUHAMMED AGED 38 YEARS, CHANKINGALATHODI
HOUSE, KARATHODE, OORAKAM, MELMURI P.O.,
MALAPURAM, PIN - 676519
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC

WA NO. 725 OF 2023 & CON.CASES

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HEALTH CIRCLE, KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM, PIN - 695033
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 905 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6078/2023 DATED 31.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

ANWAR SADATH
AGED 45 YEARS
S/O. ALI BAPPU, CHAKKRATHODI HOUSE, PROPRIETOR,
M/S. BASIC 'N' NEEDS ENGINEERING CONTRACTORS,
CHERUKUNNU, OTHUKKUNGAL P.O., MALAPPURAM DISTRICT,
PIN - 676528
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033

WA NO. 725 OF 2023 & CON.CASES

- 85 -

3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, MALAPURAM, PIN -
676505

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 907 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 24957/2022 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

AJESH GOPI
AGED 23 YEARS
S/O K.V. GOPI, KANNUPARAMBIL HOUSE, CHENATHUNADU,
CHALAKKUDY, THRISSUR DISTRICT., PIN - 680307
BY ADVS.
JACOB SEBASTIAN
WINSTON K.V
ANU JACOB

RESPONDENTS/RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY
JALABHAVAN, VELLAYAMBALAM P.O, THIRUVANANTHAPURAM
DISTRICT, REPRESENTED BY ITS MANAGING DIRECTOR.,
PIN - 695010
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
OFFICE OF THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY, MUVATTUPUZHA, ERNAKULAM
DISTRICT., PIN - 686661
BY ADV GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 908 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4993/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

MUHAMMED SAFVAN M.K
AGED 38 YEARS
S/O. ABDULLA, AGED 38 YEARS, AMINICKAMPARAMBIL
HOUSE, KOOTTUMALA, OORAKAM P.O., MALAPURAM
DISTRICT, PIN - 676519
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
ELSA DENNY PINDIS
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.

WA NO. 725 OF 2023 & CON.CASES

- 88 -

CIRCLE, KERALA WATER AUTHORITY, KANNUR, KANNUR
DISTRICT, PIN - 679012

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 909 OF 2023

AGAINST THE JUDGMENT IN WP(C) 8978/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

M/S. STREFA PROJECTS PRIVATE LTD
PLOT NO. 34, EASWARAIAH ENCLAVE, DAMMAIGUDA,
HYDERABAD, TELANGANA STATE - 500 062, REPRESENTED
BY ITS, DIRECTOR, P. CHANDRABABU, S/O. P,
DASTAGIRI, PIN - 500062

BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, P.H.
CIRCLE, KERALA WATER AUTHORITY, KOLLAM, KOLLAM
DISTRICT, PIN - 691001

BY ADV. P.M.JOHNY

WA NO. 725 OF 2023 & CON.CASES

- 90 -

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

- 91 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 915 OF 2023

AGAINST THE JUDGMENT IN WP(C) 8105/2023 DATED 31.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

MUHAMMED SAFVAN M.K
AGED 38 YEARS
S/O. ABDULLA, AGED 38 YEARS, AMINICKAMPARAMBIL
HOUSE, KOOTTUMALA, OM MURI, OORAKAMP.O.,MALAPURAM
DISTRICT, PIN - 676519
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, HEAD OFFICE,
JALA BHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM,
PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH CIRCLE, KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM, PIN - 695033

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

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ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 920 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 33465/2022 DATED 28.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

MAPSGLOBAL CONSTRUCTIONS PVT LTD
REP BY ITS MANAGING DIRECTOR K. SATHEESHKUMAR, S/O
APPUKUTTAN NAIR, 32/595, AMBIKALAYAM. P.O.,
CHELAVOOR, KOZHIKODE, PIN - 673571
BY ADVS.
TESSY JOSE
ELDHO PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM P.O., THIRUVANANTHAPURAM, PIN -
695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, P.H CIRCLE, MALAPARAMBA.
P.O., KOZHIKODE, PIN - 673009

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
09.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

- 94 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 923 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 8753/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

A. AJI
AGED 51 YEARS
S/O APPUKUTTAN, NELLIPARAMBU VEEDU,
PAYATTUVILA.P.O. THIRUVANANTHAPURAM, PIN - 695501
BY ADVS.
TESSY JOSE
ELDHO PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
THIRUVANANTHAPURAM, PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

- 95 -

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 932 OF 2023

AGAINST THE JUDGMENT IN WP(C) 15661/2022 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA, VANCHIY00R PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT, PIN-695102.,
PIN - 695102
BY ADVS.
V.PREMCHAND
SURYA MOHAN P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF WATER
RESOURCES, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 2. THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 3 THE MANAGING DIRECTOR,
KERALA WATER AUTHORITY, JALA BHAVAN,
THIRUVANANTHAPURAM,, PIN - 695033
- 4 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KOLLAM DISTRICT., PIN - 695001
- 5 THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KOLLAM DISTRICT,, PIN - 695001

WA NO. 725 OF 2023 & CON.CASES

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BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 935 OF 2023

AGAINST THE JUDGMENT IN WP(C) 32991/2022 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

UNNIKRISHNAN NAIR B.
AGED 55 YEARS
S/O.BHASKARAN PILLAI, SAROVILLA, KADAVILA,
VANCHIYOOR P.O., ATTINGAL, THIRUVANANTHAPURAM
DISTRICT, PIN - 695102
BY ADVS.
K.SIJU
S.ABHILASH
ANJANA KANNATH

RESPONDENT/S:

- 1 THE KERALA WATER AUTHORITY
JALABHAVAN, VELLAYAMBALAM P.O., THIRUVANANTHAPURAM
- 695 010, REPRESENTED BY ITS MANAGING DIRECTOR.,
PIN - 695010
- 2 * THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KOLLAM-691 001. *CORRECTED. *THE ADDRESS OF R2 IS
CORRECTED AS " THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY, PUBLIC HEALTH
CIRCLE, THIRUVANANTHAPURAM-695 033." AS PER ORDER
DATED 25/05/2023 IN IA. NO.2/2023 IN WA
NO.935/2023., PIN - 695033

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

- 98 -

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 936 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 7243/2023 DATED 28.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M.K HANSAR
AGED 48 YEARS
S/O M.V MUHAMMED KASSIM, HASEENA COTTAGE,
PANAYIKULAM P.O ALUVA, PIN - 683502
BY ADVS.
TESSY JOSE
ELDH0 PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM-, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
2. THE SUPERINTENDING ENGINEER, KERALA WATER
AUTHORITY, PUBLIC HEALTH CIRCLE, THIRUVALLA,
PATHANAMTHITTA, PIN-689101, PIN - 689101

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 937 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 452/2023 DATED 24.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

JOSE MERLIN
AGED 51 YEARS
S/O. K.P SEBASTIAN, KONNOTH HOUSE, 18/2368-B,
THOPPUMPADY, KOCHI, ERNAKULAM DISTRICT., PIN -
682005
BY ADVS.
JACOB SEBASTIAN
WINSTON K.V
ANU JACOB

RESPONDENTS/RESPONDENTS:

- 1 THE KERALA WATER AUTHORITY
JALABHAVAN, VELLAYAMBALAM P.O, THIRUVANANTHAPURAM
DISTRICT, REPRESENTED BY ITS MANAGING DIRECTOR.,
PIN - 695010
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
OFFICE OF THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY, THIRUNAKKARA SOUTH ROAD,
THIRUNAKKARA P.O, KOTTAYAM DISTRICT, KERALA., PIN
- 686001

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON

WA NO. 725 OF 2023 & CON.CASES

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12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 938 OF 2023

AGAINST THE JUDGMENT IN WP(C) 32029/2022 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

UNNIKRISHNAN NAIR. B
AGED 55 YEARS
S/O.BHASKARAN PILLAI, SAROVILLA, KADAVILA,
VANCHIYOOR P.O, ATTINGAL, THIRUVANANTHAPURAM
DISTRICT, PIN - 695102
BY ADVS.
K.SIJU
S.ABHILASH
ANJANA KANNATH

RESPONDENT/S:

- 1 THE KERALA WATER AUTHORITY
JALABHAVAN, VELLAYAMBALAM P.O, THIRUVANANTHAPURAM-
695 010, REPRESENTED BY ITS MANAGING DIRECTOR, PIN
- 695010
- 2 *THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEATH CIRCLE,
KOLLAM-691 001. *CORRECTED. *THE ADDRESS OF R2 IS
CORRECTED AS " THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY, PUBLIC HEALTH
CIRCLE, THIRUVANANTHAPURAM-695 033." AS PER ORDER
DATED 25/05/2023 IN IA. NO.2/2023 IN WA
NO.938/2023., PIN - 691001

BY ADV. P.M. JOHNY

WA NO. 725 OF 2023 & CON.CASES

-103-

ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 948 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 3180/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S MARIYA CONSTRUCTIONS REPRESENTED BY ITS
MANAGING PARTNER, K.L. JOSE
AGED 68 YEARS
M/S. MARIYA CONSTRUCTIONS REPRESENTED BY 14/1357,
KAKKANAT, THOTTILPEEDIKA, CHEVARAMBALAM, P.O,
KOZHIKODE, PIN - 673017
BY ADVS.
TESSY JOSE
ELDHO PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KANNUR, PIN - 670012
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 950 OF 2023

AGAINST THE JUDGMENT IN WP(C) 27357/2022 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

B UNNIKRISHNAN NAIR,
SAROVILLA, KADAVILA, VANCHIYLOOR PO, ALAMCODE,
ATTINGAL, THIRUVANANTHAPURAM DISTRICT,, PIN -
695102

BY ADVS.

V.PREMCHAND

SURYA MOHAN P.

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY, DEPARTMENT OF WATER
RESOURCES, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001
- 2 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 3 THE MANAGING DIRECTOR,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 4 THE SUPERINTENDING ENGINEER,
PUBLIC HEALTH CIRCLE, KERALA WATER AUTHORITY
THIRUVANANTHAPURAM, DISTRICT,, PIN - 695033
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

WA NO. 725 OF 2023 & CON.CASES

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JOSHY VV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 951 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 5066/2023 DATED 24.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M K HANSAR
AGED 48 YEARS
S/O M.V. MOHAMMED KASSIM, HASEENA COTTAGE,
PANAYIKULAM.P.O., ALUVA, PIN - 683502
BY ADVS.
TESSY JOSE
ELDHO PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM-, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY PUBLIC HEALTH CIRCLE KOCHI,
PIN - 682011
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 954 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 3683/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

REGHU.N
AGED 61 YEARS
S/O ANANDAN, HARISREE, DHARMADOM.P.O,
THALASSERY(VIA), KANNUR,, PIN - 670106
BY ADVS.
TESSY JOSE
ELDHO PAUL

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KANNUR, PIN - 670012
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 973 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 9785/2023 DATED 24.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

M/S HILL TRACK CONSTRUCTIONS PVT. LTD
REPRESENTED BY ITS MANAGING DIRECTOR, DEVASIA P.A,
AGED 69 YEARS, S/O AUGUSTY, PUTHUPPARAMBIL HOUSE,
NADAVAYAL POST, PANAMARAM, WAYANAD, PIN - 670721
BY ADV ASHIK TOM

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH CIRCLE KERALA WATER AUTHORITY, PALAKKAD,
PIN - 678001
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
JOSHY VV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 985 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6554/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

PAULOSE ABRAHAM
AGED 48 YEARS
S/O. ABRAHAM,NJATTUKALAYIL HOUSE, KADAYIRUPPU P.O,
KOLENCHERRY ERNAKULAM DISTRICT,, PIN - 682311
BY ADVS.
GEORGE MATHEW
M.D.SASIKUMARAN
SUNIL KUMAR A.G
MATHEW K.T.
GEORGE K.V.
STEPHY K REGI
ADARSH KURIAN
MEDHA B.S.

RESPONDENTS/RESPONDENTS:

- 1 MINISTRY OF MICRO SMALL AND MEDIUM ENTERPRISE
GOVERNMENT OF INDIA, NIRMALA BHAVAN, 7TH FLOOR,
MOULANA AZAD ROAD, NEW DELHI, REPRESENTED BY ITS
ADDITIONAL DEVELOPMENT COMMISSIONER, PIN - 110108
- 2 NATIONAL SMALL INDUSTRIES CORPORATION LTD
S-67, GCDA COMMERCIAL COMPLEX, MARINE DRIVE,
SHANMUGHAM ROAD, KOCHI , REPRESENTED BY ITS
MANAGING DIRECTOR, PIN - 682031
- 3 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT

WA NO. 725 OF 2023 & CON.CASES

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- 4 SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, KERALA
WATER AUTHORITY PUBLIC HEALTH CIRCLE, KOCHI,
KERALA, PIN - 682011
BY ADVS.
M JAYAKRISHNAN VAZHOOOR
JOSHY VV
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 991 OF 2023

AGAINST THE JUDGMENT IN WP(C) 38813/2022 DATED 28.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

GOPAKUMAR S
AGED 50 YEARS
S/O. P.SHANKARANARAYANA PILLAI, SAI KRISHNA,
PLAVODU, KODUNGANOUR P.O, VATTIYURKAVU,
THIRUVANANTHAPURAM - 695013., PIN - 695013
BY ADVS.
JOBY JACOB PULICKEKUDY
DAJISH JOHN
SMITHA PHILIPOSE
ASHIK TOM
RISNI FARHATH
AAKHIL MOHAMMED.P.M

RESPONDENTS/RESPONDENTS:

- 1 KERAL WATER AUTHORITY
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH DIVISION - THIRUVANANTHAPURAM, PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

WA NO. 725 OF 2023 & CON.CASES

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THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 992 OF 2023

AGAINST THE JUDGMENT IN WP(C) 38899/2022 DATED 28.03.2023

OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

GOPAKUMAR S,
AGED 50 YEARS
S/O.P.SHANKARANARAYANA PILLAI, SAI KRISHNA,
PLAVODU, KODUNGANNOOR.P.O, VATTIYURKAVU,
THIRUVANANTHAPURAM-695013., PIN - 695013
BY ADVS.
JOBY JACOB PULICKEKUDY
ANIL GEORGE

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY,
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM-695033., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH DIVISION KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM, PIN - 695033

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
JOSHY VV

WA NO. 725 OF 2023 & CON.CASES

-115-

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-116-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1018 OF 2023

AGAINST THE JUDGMENT IN WP(C) 7719/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

P DILEEP,
AGED 53 YEARS
RESIDING AT, DILEEP BHAVAN, KADAKAVOOR,
THIRUVANANTHAPURAM ., PIN - 695306
BY ADV V.PREMCHAND

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM,, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY ALAPPUZHA DISTRICT., PIN -
688001

BY ADV. P.M.JOHN
ADV. GEORGIE JOHN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
30.05.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-117-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1036 OF 2023

AGAINST THE JUDGMENT IN WP(C) 7709/2023 DATED 21.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

P DILEEP,
AGED 53 YEARS
DILEEP BHAVAN, KADAKAVOOR, THIRUVANANTHAPURAM.,
PIN - 695306
BY ADV V.PREMCHAND

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY ALAPPUZHA DISTRICT., PIN -
688001
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
BY ADV JOSH VV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-118-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1044 OF 2023

AGAINST THE JUDGMENT IN WP(C) 4961/2023 DATED 24.03.2023 OF

HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

VINOD KUMAR R,
AGED 53 YEARS
S/O BHASKARAN PILLAI, RESIDING AT KOICKALATHU
HOUSE, ADINADU SOUTH, KATTILAKADAVU P O,
KARUNAGAPALLY, KOLLAM DISTRICT., PIN - 690542
BY ADV V.PREMCHAND

RESPONDENTS/RESPONDENTS IN WP(C):

- 1 THE KERALA WATER AUTHORITY,
JALA BHAVAN, REPRESENTED BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM., PIN - 695033
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY ALAPPUZHA DISTRICT., PIN -
688001
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
BY ADV JOSH VV

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-119-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1116 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 34875/2022 DATED 28.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

UNNIKRISHNAN NAIR B.,
AGED 55 YEARS
S/O.BHASKARAN PILLAI, SAROVILLA, KADAVILA,
VANCHIYOOR P.O, ATTINGAL, THIRUVANANTHAPURAM
DISTRICT, PIN - 695102
BY ADVS.
K.SIJU
S.ABHILASH
ANJANA KANNATH

RESPONDENT/S:

- 1 THE KERALA WATER AUTHORITY,
JALABHAVAN, VELLAYAMBALAM P.O, THIRUVANANTHAPURAM-
, REPRESENTED BY ITS MANAGING DIRECTOR., PIN -
695010
- 2 THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEATH CIRCLE,
KOLLAM, PIN - 691001
BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY
BY ADV V.V.JOSHI

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-120-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1121 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6634/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

G.SURESH
AGED 56 YEARS
SON OF GOPINATHAN.P, SUNITHA BHAVAN, AVANAVANCHERY
POST, ATTINGAL, THIRUVANANTHAPURAM, PIN - 691103
BY ADV N.KRISHNA PRASAD

RESPONDENTS/RESPONDENTS 1 TO 3 IN THE WRIT PETITION:

- 1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALA BHAVAN,
VELLAYAMBALAM POST, THIRUVANANTHAPURAM, PIN -
695033
- 2 THE MANAGING DIRECTOR
KERALA WATER AUTHORITY, JALA BHAVAN, VELLAYAMBALAM
POST, THIRUVANANTHAPURAM, PIN - 695033
- 3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER, PUBLIC
HEALTH CIRCLE, JALA BHAVAN, VELLAYAMBALAM POST,
THIRUVANANTHAPURAM, PIN - 695033

BY ADV. P.M. JOHNY
ADV. GEORGIE JOHNY
SRI.K.V.MANOJKUMAR, SPL GP

WA NO. 725 OF 2023 & CON.CASES

-121-

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14.08.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO. 725 OF 2023 & CON.CASES

-122-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945

WA NO. 1165 OF 2023

**AGAINST THE JUDGMENT IN WP(C) 6031/2023 DATED 21.03.2023 OF
HIGH COURT OF KERALA**

APPELLANT/PETITIONER:

PRAJITH P V
AGED 40 YEARS
S/O KUNHIRAMAN M, "SREEVALSAM", PULIYANUR,,
PODAVOOR.P.O, CHERUVATHUR, KASARGOD-, PIN - 671313
BY ADVS.
ELDHO PAUL
TESSY JOSE

RESPONDENTS/RESPONDENTS:

- 1 KERALA WATER AUTHORITY,
REPRESENTED BY THE MANAGING DIRECTOR, JALABHAVAN,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE SUPERINTENDING ENGINEER
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE,
KANNUR -, PIN - 670012

BY ADV. P.M.JOHNY
ADV. GEORGIE JOHNY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
27.06.2023, ALONG WITH WA.725/2023 AND CONNECTED CASES, THE
COURT ON 14.08.2023 DELIVERED THE FOLLOWING:

JUDGMENT

[WA Nos.725/2023, 717/2023, 755/2023, 760/2023, 761/2023, 768/2023, 774/2023, 775/2023, 778/2023, 780/2023, 781/2023, 784/2023, 785/2023, 786/2023, 788/2023, 793/2023, 797/2023, 799/2023, 801/2023, 802/2023, 803/2023, 804/2023, 808/2023, 809/2023, 810/2023, 815/2023, 821/2023, 829/2023, 833/2023, 834/2023, 841/2023, 842/2023, 847/2023, 853/2023, 857/2023, 861/2023, 862/2023, 864/2023, 865/2023, 870/2023, 871/2023, 872/2023, 873/2023, 875/2023, 876/2023, 879/2023, 889/2023, 890/2023, 892/2023, 894/2023, 897/2023, 898/2023, 899/2023, 902/2023, 905/2023, 907/2023, 908/2023, 909/2023, 915/2023, 920/2023, 923/2023, 932/2023, 935/2023, 936/2023, 937/2023, 938/2023, 948/2023, 950/2023, 951/2023, 954/2023, 973/2023, 985/2023, 991/2023, 992/2023, 1018/2023, 1036/2023, 1044/2023, 1116/2023, 1121/2023, 1165/2023]

A.J.DESAI, C.J.

The different group of appeals relating to tender notices issued by the respondent Kerala Water Authority (hereinafter referred to as “KWA”) and subsequent events involving a common issue, are taken up for hearing. Though judgments have been delivered by the learned Single Judge in different writ petitions on different dates, the appeals came to be admitted in the month of April 2023. While passing interim orders in the writ appeals, it was observed that the respondent

KWA shall insist for Additional Performance Guarantee only in the manner prescribed in the Government Orders referred to in the Notice Inviting Tenders ('NIT' for short). The short facts arising from the appeals are as under:

2. The KWA invited tenders from bidders for different types of Jal Jeevan Mission (JJM) and other works, which mainly requires the laying of PVC pipes etc, for providing water connection to households in different areas. The tenders were published between the months of September 2022 to December 2022 and in some cases, in January 2023 also. Along with the tender notices, the KWA had published Probable Amount of Contract (PAC) as well as the terms and conditions of the contract, which would be binding on the parties if the bid is accepted. The issue in the present group of appeals is with regard to the furnishing of Additional Performance Guarantee which is referred to in Clause No.7.21.1 of the NIT, under the head "Execution of Agreements". In the said clause, different Government Orders have been referred to and as per the said orders, the bidders were supposed to provide Additional Performance Guarantee. After completion of the bidding process, the appellants were informed about the acceptance of their bids. As per the prevailing provisions, the bidders were

supposed to deposit Performance Security and furnish Additional Performance Guarantee, if the offer made by the bidders is less than the Tendered Probable Amount of Contract (hereinafter referred to as “TPAC”). When the appellants tried to execute the contract consequent to their selection, they were served with a communication by the KWA, informing that the contractor is supposed to furnish Additional Performance Guarantee in view of the Government Order dated 07.12.2019, issued by the Finance (Industries and Public Works-B) Department, by which it was decided that Additional Performance Guarantee shall be levied on each item of the bid offered by the contractor. Being aggrieved with the direction to provide Additional Performance Guarantee based on item wise computation, the appellants challenged the condition before the learned Single Judge by filing the captioned writ petitions.

3. The respondents filed their counter and opposed the writ petitions. Learned Single Judge, mainly relying upon the order dated 07.12.2019, which compelled the bidders to provide Additional Performance Guarantee item wise, dismissed the writ petitions. Hence these appeals.

4. Learned Advocate appearing for the appellants, submitted

that the learned Single Judge has committed error by relying only on the Government Order dated 07.12.2019, which was not part of the tender notice. By taking us through the tender notice and particularly Clause 7.21.1, he would submit that the KWA has referred two Government Orders dated 28.09.2015 and 29.08.2016, which deals with performance guarantee and another order dated 10.01.2019 by which the Government has decided to demand for Additional Performance Guarantee if the bid amount is below 10% of the TPAC. He would submit that, as per the Government Orders, which were again clarified by the order dated 10.01.2019, the bidder was not liable to provide any Additional Performance Guarantee if the amount is within 10% of the TPAC. He would further submit that the KWA is heavily relying upon the Government Order dated 07.12.2019, by which the Finance Department has clarified as to how the Additional Performance Guarantee shall be provided and it should be item wise. It was submitted that the KWA, while issuing the tenders, had not referred the order dated 07.12.2019 in the tender notice and therefore, none of the appellants were aware about the order passed by the Government of Kerala, which is adopted by the KWA. He would further submit that, even while issuing the tender notice, KWA had

neither mentioned about the exact price of each item nor published any information with regard to the rate that would be made applicable for each item. As this crucial information was lacking, each appellant had offered the price calculating as a whole and had quoted the rates against the price expected for the contract.

5. By taking us through the concerned communication, by which the offer of the appellants was accepted, it is submitted that it has been specifically stated therein as to whether the rate is above TPAC or below TPAC. There is no reference at all in the order that the contractor would be liable to pay any Additional Performance Guarantee based on item wise consideration of their offers. Subsequent there to, each of the appellants were served with the communication to provide Additional Performance Guarantee along with the details about the rates fixed by the KWA and calculating the difference of percentage whether it is above or below TPAC, which is never known to any of the appellants. He would submit that it is an undisputed fact that the tender was invited fixing the PAC against which each of the appellants had made their offers. He would submit that it is a well established principle of law and decided by a catena of decisions of the Hon'ble Apex Court that when a public body is

inviting tenders, all details should be reflected in the tender notice itself. By relying upon the decision of the Hon'ble Apex Court in **Suresh Kumar Wadhwa vs State Of Madhyapradesh 2017 (16) SCC 757**, he would submit that it has been categorically held that the tender notice inviting bidders must quote those terms and conditions which would be binding on the parties to the contract. It is the duty of the public functionaries to make sure that before entering into the contract, parties/bidders are made aware of their rights, obligations and liabilities to each other and also of the consequences in the event of their non compliance. It is submitted that in the tender notice, there was reference to only two orders dated 28.09.2015 and 29.08.2016. By taking us through those two orders, he would submit that there is no reference at all about Additional Performance Guarantee to be given by the bidder for each item. Even the 3rd letter referred to in the tender notice dated 10.01.2019, provides for furnishing only Additional Performance Guarantee only if the amount is lower than TPAC, that too below 10%. The order dated 07.12.2019, which has been heavily relied upon by the respondents, was not at all referred in the tender notice and therefore, the same would not be binding on the present appellants. He would submit that if the said

order as well as the exact price of each item was referred to in the tender notice like the other two orders, each appellant would have made their offer for each item separately. Therefore, the demand subsequently made is contrary to law and required to be quashed and set aside. Subsequent correspondence after entering into the contract also cannot be accepted and in support of the said contention, learned Advocate for the appellant relied upon the decision of the Hon'ble Apex Court in **Delhi Development Authority and Another v. Joint Action Committee, Allottee of SFS Flats and Other (2008) 2 SCC 672**. He would submit that it has been held by the Hon'ble Apex Court that a party to the contract cannot, at a later stage and while the contract was being performed, impose terms and conditions which were not part of the offer and which are based upon some office orders. Learned Advocate also relied upon the decision of this Hon'ble Court in **Ramesan P. and Another v. T. Asokan and Others 2018 (5) KHC 189** and submitted that, if the terms and conditions of the contract are not expressed or disclosed in the tender notice and there is no disclosure of relevant information, the successful bidder cannot subsequently be asked to fulfill the conditions which were not disclosed at the time of issuing tender

notice. Learned Advocate appearing for the appellant would submit that, while admitting the appeals, a Division Bench of this Court had granted permission to continue the works awarded to the appellants and in most cases more than half of the work is completed and in such circumstances, the order or direction issued by the KWA to furnish Additional Performance Guarantee is liable to be quashed and set aside. He made it clear that in some of the appeals, the bidders had offered amount above the TPAC and therefore, there is no question of giving Additional Performance Guarantee. He would further submit that the demands for Additional Performance Guarantee when the amount is within 10% of TPAC are required to be quashed and set aside. However, it is also specifically stated that in cases where the amount offered by the appellants is between 11% to 25%. i.e., as per the order dated 10.01.2019, they are ready to supply Additional Performance Guarantee. i.e., the amount x-10%. Therefore it is submitted that the appeals be allowed.

6. On the other hand, learned Advocate Sri. Georgie Johny, appearing for the KWA supported the decision of the learned Single Judge. He would submit that in the tender notice which deals with the Additional Performance Guarantee under Clause 7.21, two

Government Orders dated 28.09.2015 and 29.08.2016 have been referred, and relying upon the above said two orders, Government had issued the order dated 07.12.2019, in which, it has been categorically stated that the bidder shall be liable to pay Additional Performance Guarantee for each item of work calculated as referred in the said order and particularly, in paragraph No.3. Accordingly, the bidders were supposed to offer the rates for each item and therefore, the appellants were bound by the said order when they have offered and quoted the rate, item wise. He would submit that the appellant cannot claim that they were not aware of the basic rates for each item for which the work was to be carried out in connection with the tender, to which the appellants had offered their bid. He would submit that each bidder was asked to supply Additional Performance Guarantee by comparing the rates of each item with the rate fixed by a committee constituted for the said purpose. The rates decided by the committee was published in the website stating that the same rate would be applicable as and when the tenders are issued and therefore, they were aware about the basic rates of each item and the appellants ought to have offered accordingly and should have provided the Additional Performance Guarantee.

7. By taking us through the orders impugned in the writ petitions, he would submit that the KWA asked each bidder to supply Additional Performance Guarantee by issuing details and rates of each item, which were decided by the committee and published in the website. He therefore would submit that it is presumed that all bidders were aware about the intention of the KWA while inviting tenders and the conditions that would be applicable at the time of finalizing the bids submitted by all concerned. He would submit that, immediately after accepting the bids, clarifications were issued relying upon the order dated 07.12.2019, comparing the item wise basic amount to make their offers and therefore, now the appellants cannot say that they were not aware about the requirement of furnishing Additional Performance Guarantee. He therefore would submit that the learned Single Judge has committed no error in relying upon the order dated 07.12.2019 and therefore, the appeal be dismissed.

8. Learned Government Pleader has adopted the arguments advanced by the learned Advocate for the KWA.

9. We heard the learned Advocates appearing for the respective parties and perused the impugned judgments passed by the learned Single Judge.

10. The tenders have been issued on different dates and the Clause with regard to Additional Performance Guarantee reads as under:

7.21.1.....

ADDITIONAL PERFORMANCE GUARANTEE

(I) The provisions contained in the G.O(P) No.429/15/Fin dated 28/09/2015 & G.O(P) No.124/2016/Fin dated 29/08/2016 in the matter of performance guarantee that

a) If the quoted rate for work is below 75%, of tendered PAC, it will be rejected.

b) If the rate quoted by the contractor is between 10% below estimate amount (the quoted rate being x% below the estimate amount), the contractor will remit additional performance guarantee for an amount equal to (x-10)% of the estimate amount. As per GO(P) No.1/2019/Fin Dtd. 10.01.2019 50% of additional percentage guarantee shall be in the form of Treasury Fixed Deposit and rest in the form of Guarantee issued from any Nationalized Bank/Scheduled Bank/Kerala Financial Corporation or any other forms prescribed in Kerala PWD Manual. Additional Performance

Guarantee shall be collected before executing the Agreement in the same form as Performance Guarantee and may be released while passing the final contract bill.

7.12.2.

11. If the Government Order dated 28.09.2015, which is referred herein above is perused, the same reads as under:

i) Performance Guarantee

Performance Guarantee, the amount collected at the time of executing contract agreement, will be 5% of the contract value (agreed PAC) and the deposit will be retained till the expiry of Defect Liability Period. At least fifty percent (50%) of this deposit shall be collected in the form of Treasury Fixed Deposit and the rest in the form of Bank Guarantee or any other forms prescribed in the revised PWD Manual.

ii) Additional Performance Guarantee

Additional Performance Guarantee is the additional amount to be deposited for unbalanced price ie, for works quoted below estimate rate. The collection of additional deposits is a disincentive to the bidder who offers to execute a work below estimated rate and this will

induce the contractor to quote a rate equal to or higher than estimated rate. Government therefore decided to do away with additional performance guarantee for all works quoted below upto 10% of the estimate rate. Additional Performance guarantee will be required if works quoted between 11% to 25% below estimate rate.

12. If we scrutinize the Clause with regard to Additional Performance Guarantee, the bidder who succeeded in his offer is not required to furnish any Additional Performance Guarantee if the quoted rate is within 10% of the estimate rate provided by the authority, whereas Additional Performance Guarantee will be required if the rate quoted is between 11% to 25% below the estimate rate, which was subsequently modified by another letter dated 03.02.2016, referring to the earlier order dated 28.09.2015, and reads as under:

2. Now doubts have been arisen as to whether additional performance guarantee need be collected in case of works having quoted rates between 10% and 11% below estimate rates. The clarifications were also sought as to whether exemption allowed upto 10% below estimate rate need be applied to rates quoted between 10% and 25%. Accordingly the position is

clarified as follows.

“Accordingly performance guarantee will be required in all cases where quoted rate falls below 10% of the estimate cost but the maximum permissible lower limit is 25% below the estimated cost. The 10% standard exemption will be applicable to all estimates quoted below estimate cost upto 25%. If the rate quoted by the contractor is “x%” below estimate cost (where x lies above 10% and upto 25%) the performance guarantee for an amount equal to (x-10)% of the estimate amount shall be obtained from the contractor”

13. As per the above clarification, if the amount is between 10 to 25% below the estimate cost, the successful bidder has to give Additional Performance Guarantee for the amount offered – 10%. That means, if the amount is below 12% or 13.5 %, the bidder would be liable to pay 12 to 10% or 13.5 to 10% as Additional Performance Guarantee. By another order dated 10.01.2019, the earlier Clause as mentioned in the order dated 29.08.2016, was allowed to continue. However, the successful bidder was made liable to furnish 50% of the

Additional Performance Guarantee in the form of Treasury Deposit and rest in the form of Guarantee issued by any Nationalized Bank or Scheduled Bank or Kerala Financial Corporation or any other form prescribed in the Kerala PWD Manual. As quoted hereinabove, in each tender, only three orders with respect to the Additional Performance Guarantee has been referred. However, there is no reference at all with regard to the order dated 07.12.2019 passed by the Government of Kerala (Finance & Industries) Department, which has been adopted by the KWA in the tender, by which, it was decided to ask for Additional Performance Guarantee item wise. The bidders who participated in the tender process were never informed that the order dated 07.12.2019, which has been adopted by the KWA, would be applicable as far as furnishing of Additional Performance Guarantee is concerned. By passing some orders, without any specific reference with regard to the above mentioned order, it cannot be said that the order would be automatically binding, when the public at large is invited to take part in the tender process, and therefore, subsequent demand of Additional Performance Guarantee cannot be accepted. The KWA ought to have disclosed in the tender notice the rates for each item as prescribed by the Government authority and as

adopted by the KWA. No such reference has been made in any of the tender notices and therefore, the submission that certain rates published in the website, would be applicable for the tenders floated by the KWA cannot be accepted. Hence, these submissions require to be discarded.

14. It is pertinent to note that, in each case, the authority has accepted that the offer made by the successful tenderor was either below or above 10% of TPAC. The contention that, in cases where the quote was below 10%, only for the first time the authority came with a reference to order dated 07.12.2019, in our view, is sustainable. We also appreciate the submission made by the learned Advocate for the appellant that, having found an omission in incorporating the relevant condition, now the authority has specifically disclosed about the letter dated 07.12.2019, by which the authority wants Additional Performance Guarantee, in the new tenders issued. In ***Delhi Development Authority*** (*supra*), the Hon'ble Apex Court has held that a party to a contract cannot, at a later stage, impose terms and conditions which were not part of the offer and which were based upon unilateral issuance of office orders. Paragraph No.62, which is relevant for our consideration, is reproduced as under:

62. It is well known principle of law that a person would be bound by the terms of the contract subject of course to its validity. A contract in certain situations may also be avoided. With a view to make novation of a contract binding and in particular some of the terms and conditions thereof, the offeree must be made known thereabout. A party to the contract cannot at a later stage, while the contract was being performed, impose terms and conditions which were not part of the offer and which were based upon unilateral issuance of office orders, but not communicated to the other party to the contract and which were not even the subject matter of a public notice. Apart from the fact that the parties rightly or wrongly proceeded on the basis that the demand by way of fifth instalment was a part of the original Scheme, DDA in its counter affidavit either before the High Court or before us did not raise any contra plea. Submissions of Mr. Jaitley in this behalf could have been taken into consideration only if they were pleaded in the counter affidavit filed by DDA before the High Court.

15. Considering the above aspects, we allow these appeals and

set aside the judgment passed by the learned Single Judge. It is made clear that the appellants would not be liable to execute the Additional Performance Guarantee, if the over all rate is below 10% of TPAC. However, the appellants would be liable to furnish Additional Performance Guarantee as per the letter dated 10.01.2019, ie, x-10%. Additional Performance Guarantee should be executed for the balance amount of work where the amount of work is above 10-25% of the TPAC.

The writ appeals are allowed accordingly.

Sd/ -

**A . J . DESAI
CHIEF JUSTICE**

Sd/ -

**V . G . ARUN
JUDGE**

UU

16.08.2023

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 833/2023

PETITIONER ANNEXURES

- | | |
|------------|--|
| Annexure-1 | A TRUE COPY OF THE ORDER DATED 5-4-2023
IN W.A.NO.717 OF 2023 BEFORE THE HON'BLE
HIGH COURT OF KERALA, AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE ORDER DATED 23-2-2023
IN W.P.(C).NO.6265 OF 2023 BEFORE THE
HON'BLE HIGH COURT OF KERALA, AT
ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 834/2023

PETITIONER ANNEXURES

- | | |
|------------|--|
| Annexure-1 | A TRUE COPY OF THE ORDER IN W.A.NO.717 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM DATED 5-4-2023 |
| Annexure-2 | A TRUE COPY OF THE ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 841/2023

PETITIONER ANNEXURES

Annexure A1

**TRUE COPY OF NOTICE DATED 04/04/2023
ISSUED BY THE 2ND RESPONDENT FOR
DEPOSITING ADDITIONAL PERFORMANCE
GUARANTEE**

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 871/2023

PETITIONER ANNEXURES

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| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER IN
W.A.NO.717/2023 BEFORE THE HON'BLE HIGH
COURT OF KERALA, AT ERNAKULAM DATED 5-4-
2023 |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER IN
W.P(C).NO.6265/2023 BEFORE THE HON'BLE
HIGH COURT OF KERALA, AT ERNAKULAM DATED
23-2-2023 |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 872/2023

PETITIONER ANNEXURES

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| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 873/2023

PETITIONER ANNEXURES

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|------------|---|
| Annexure1 | A TRUE COPY OF THE INTERIM ORDER DATED
5-4-2023 IN W.A.NO.717 OF 2023 BEFORE
THE HON'BLE HIGH COURT OF KERALA, AT
ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED
23-2-2023 IN W.P.(C).NO.6265 OF 2023
BEFORE THE HON'BLE HIGH COURT OF KERALA
AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 875/2023

PETITIONER ANNEXURES

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| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 876/2023

PETITIONER ANNEXURES

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| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 890/2023

PETITIONER ANNEXURES

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|------------|---|
| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 23023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 899/2023

PETITIONER ANNEXURES

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| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKLULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 920/2023

PETITIONER ANNEXURES

Annexure A-1

**A TRUE COPY OF THE COMMUNICATION DATED
25.04.2023 ISSUED BY THE 2ND RESPONDENT
TO THE APPELLANT**

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 932/2023

PETITIONER ANNEXURES

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|------------|---|
| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717/2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P.(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 935/2023

PETITIONER ANNEXURES

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| Annexure A1 | THE COPY OF NOTICE DATED 23.04.2023
ISSUED BY THE 2ND RESPONDENT TOT THE
APPELLANT/PETITIONER |
| Annexure A2 | THE COPY OF INTERIM ORDER PASSED BY THIS
HONORABLE COURT IN WRIT APPEAL NO. 725
OF 2023 DATED 05.04.2023 |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 938/2023

PETITIONER ANNEXURES

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|-------------|--|
| Annexure A1 | THE COPY OF NOTICE DATED 23.04.2023
ISSUED BY THE 2ND RESPONDENT TO THE
APPELLANT/PETITIONER |
| Annexure A2 | THE COPY OF INTERIM ORDER PASSED BY THIS
HONORABLE COURT IN WRIT APPEAL NO. 725
OF 2023 DATED 05.04.2023 |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 950/2023

PETITIONER ANNEXURES

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|------------|---|
| Annexure-1 | A TRUE COPY OF THE INTERIM ORDER DATED 5-4-2023 IN W.A.NO.717 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM |
| Annexure-2 | A TRUE COPY OF THE INTERIM ORDER DATED 23-2-2023 IN W.P(C).NO.6265 OF 2023 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM |

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 973/2023

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF BANK GUARANTEE DATED 11/04/2023 BY FEDERAL BANK KALPETTA BRANCH
Annexure A2	TRUE COPY OF TREASURY DEPOSIT RECEIPT NO: 0346046 VALID TILL 02/06/2024
Annexure A3	TRUE COPY OF AGREEMENT EXECUTED ON 28.03.2023 BETWEEN THE APPELLANT AND 1ST RESPONDENT
Annexure A4	TRUE COPY OF ORDER DATED 05/04/2023 IN WA NO 725/2023 BEFORE THIS HON'BLE COURT

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 985/2023

PETITIONER ANNEXURES

Annexure A1	TRUE COPY OF RELEVANT PAGES OF E-TENDER NO. 50/2022-23/SE/PHC/CHN DTD. 10.11.2022 FLOATED BY 4TH RESPONDENT
Annexure A2	TRUE COPY OF LETTER DTD.10.05.2023 SUBMITTED TO 4TH RESPONDENT

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 991/2023

PETITIONER ANNEXURES

Annexure A1

**TRUE COPY OF NOTICE DATED 08.05.2023
ISSUED BY THE 2ND RESPONDENT DEMANDING
ADDITIONAL PERFORMANCE GUARANTEE**

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 992/2023

PETITIONER ANNEXURES

Annexure A1 TRUE COPY OF THE NOTICE DATED 08/05/2023
ISSUED BY THE 2ND RESPONDENT

WA NO. 725 OF 2023 & CON.CASES

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APPENDIX OF WA 1116/2023

PETITIONER ANNEXURES

Annexure A1	THE COPY OF ORDER NO.KWA/PHC/Q/E1/7834/2022 DATED 31.5.2023 ISSUED BY THE 2ND RESPONDENT
Annexure A2	THE COPY OF INTERIM ORDER PASSED BY THIS HONORABLE COURT IN WRIT APPEAL NO.935/2023 DATED 12.5.2023