

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 4908 of 2015 (K)

PETITIONER(S):

**P.R. MUHAMMED ISMAIL, AGED 76 YEARS,
S/O.M.C. RAWTHER KHAN, BUSINESS, CHUNKATHARAYIL,
PUZHAVATH, CHANGANASSERY P.O.**

**BY ADVS.SRI.K.A.MANZOOR ALI,
SRI.M.SAJJAD.**

RESPONDENT(S):

- 1. THE GENERAL MANAGER,
SOUTHERN RAILWAYS (THIRUVANANTHAPURAM DIVISION),
THIRUVANANTHAPURAM-695 001.**
- 2. THE SENIOR SECTION ENGINEER (WORKS),
SOUTHERN RAILWAY, KOTTAYAM-686 001.**

BY ADV. SRI.C.S.DIAS, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1: TRUE COPY FO THE LICENSE AGREEMENT DATED 06/11/2002.
- EXHIBIT-P1(A): TRUE COPY OF THE RECEIPT OF SOUTHERN RAILWAY
DATED 31.03.2014, LICENSE FEE REMITTED BY THE PETITIONER.
- EXHIBIT-P2: TRUE COPY OF THE LICENSE DATED 01.04.2013 OF THE
PETITIONER.
- EXHIBIT-P3: TRUE COPY OF THE BILL DATED 18.04.2008 REMITTED BY THE
PETITIONER.
- EXHIBIT-P3(A): TRUE COPY OF THE BILL DATED 06.10.2008 REMITTED BY THE
PETITIONER.
- EXHIBIT-P3(B): TRUE COPY OF THE BILL DATED 15.10.2010 REMITTED BY THE
PETITIONER.
- EXHIBIT-P3(C): TRUE COPY OF THE BILL DATED 15.10.2011 REMITTED BY THE
PETITIONER.
- EXHIBIT-P4: TRUE COPY OF THE BILL DATED 02.10.2012 FOR AN AMOUNT
RS.2,05,803/- ISSUED BY 2ND RESPONDENT.
- EXHIBIT-P5: TRUE COPY OF THE BILL DATED FOR AN AMOUNT OF RS.4,31,555/-
ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P6: TRUE COPY OF THE BILL DATED 31.01.2015 FOR AN AMOUNT OF
RS.60,006/- ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P7: TRUE COPY OF THE DEMAND NOTICE DATED 12.01.2015.
- EXHIBIT-P8: TRUE COPY OF THE APPEAL DATED 05/02/2015 FILED BY
THE PETITIONER.
- EXHIBIT-P9: TRUE COPY OF THE WATER TARIFF FIXED BY THE KERALA
WATER AUTHORITY DATED 25/09/2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4908 of 2015

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Issue a writ of mandamus directing the 1st respondent to consider and dispose the Ext.P8 appeal filed before him by the petitioner within a time limit.*
- (ii) Issue a writ of certiorari to quash the Ext.P4, P5 and P6 bills and P7 demand levying exorbitant revised water charges from the petitioner.*
- (iii) Issue such other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”*

2. Heard the learned standing counsel appearing for the respondents.

3. After hearing both the sides, this Court finds that the writ petition can be disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P8 appeal, in terms of the relevant provisions of law, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment. The interim order passed by this Court on 16.02.2015, will continue till then.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn