



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Judgment dated 15.09.2025 of the Hon'ble High Court in WP(C) 33793/2025 filed by Shri.Shabeer Thalapady Abbas - Complied with - Orders issued.

LOCAL SELF GOVERNMENT (WM) DEPARTMENT

G.O.(Rt)No.337/2026/LSGD Dated,Thiruvananthapuram, 07-02-2026

Read:- (1) G.O(Rt)No. 2526/2023/LSGD dated 19.12.2023
 (2) Letter No.WM1/207/2025/ LSGD dated 20.07.2025 addressed to Sri.A.K.M.Ashraf, MLA
 (3) Judgment dated 15.09.2025 of the Hon'ble High Court in WP(C) 33793/2025
 (4) Letter No. WM1/357/2025/LSGD dated 24.11.2025 addressed to the Advocate General, Kerala, Ernakulam.
 (5) GO(Rt) No. 2952/2025/LSGD dated 12.12.2025

ORDER

Sri. Shabeer Thalappady Abbas is the Petitioner in WP(C) 33793/2025, a contractor who was awarded a contract by the Mangalpady Grama Panchayat, Kasargod District for the removal of accumulated solid waste (plastic and inorganic waste) lying at the Kubanoor Waste Treatment Plant within the territorial jurisdiction of the Mangalpady Grama Panchayat, Kasargod. He has approached the Hon'ble High Court for releasing the amount due to him from Mangalpady Grama Panchayat for the work awarded to him for the purpose.

2) After evaluating the functioning of the Kubanoor Waste Plant, the Mangalpady Grama Panchayat decided (Agenda 1) in a meeting on 10.03.2021, to permit authorized agencies to remove the accumulated plastic and food waste at the ground level from the plant premises within three

months, besides adopting various steps for improving waste collection, enforcement against illegal dumping, and strengthening the overall functioning of the plant. Subsequently, by communication dated 10.04.2021, the Environmental Engineer of the Kerala State Pollution Control Board (KSPCB) informed the Mangalpady Grama Panchayat that the functioning of the Kubanoor Waste Plant was highly unsatisfactory. The KSPCB pointed out that huge heaps of waste accumulated for nearly ten years remained uncleared, the manpower deployed by the private agency was inadequate, no steps were taken to clear legacy waste and the bailing machine was working at poor efficiency. The Board directed the Panchayat to appoint additional workers, install two bailing machines and one shredding unit, and ensure proper functioning of the waste plant.

(3) Pursuant to the above, the Panchayat invited manual tenders on a tonnage-rate basis for removal of ground-level waste from the Kubanoor Waste Plant as part of bio-filling works. The last date of submission of Tender was 19.04.2021. Following parties were participated in the Tender.

- i. Sri. S M Hameed - Rs.2600 Per Tonne
- ii. Sri. Yusuf - Rs.2900 Per Tonne
- iii. Sri. Shabeer Thalappady Abbas - Rs. 3500 Per Tonne

(4) After due process, an agreement dated 08.07.2021 was executed between Panchayat and Sri. Shabeer Thalappady Abbas for removal of plastic and inorganic waste at the rate of ₹2,750/- per tonne. In the Agreement the petitioner claimed to undertake removal of waste at his own cost with transportation to Mangalore, ensuring compliance with environmental standards. The Panchayat Secretary retained the right to terminate the agreement for breach.

(5) By Work order dated 16.08.2021, the Panchayat directed the petitioner to remove the waste lying at the Kubanoor Waste Plant and transport it to Mangalore. On 03.01.2022 the Secretary, Kubanoor Grama Panchayat sanctioned drawal of ₹15,00,000/- towards the project as part bill payment to the petitioner.

(6) In the ordinary meeting of the Panchayat held on 24.02.2022, Decision No. 8/1 (Agenda Item 8 – Kubannoor plant -Waste Removal – Ratification for the action taken) was unanimously adopted regarding the project No.138/2022 titled ‘Removal of Waste from Kubanoor Waste Plant’. It was specifically recorded that the project carried an approved outlay of ₹85,00,000/-, of which 52,36,000/- was to be met from the Finance Commission Award and the balance 32,64,000/- from the own fund of Panchayat. In the decision it is clarified that an assurance was given by the President and Secretary of Grama Panchayat to the protestors regarding the removal of waste within one month during the agitations done by the natives of Kubannoor in front of Grama Panchayat office, which was the reason that the project was executed by inviting manual Tender instead of e-Tender. In the Committee decision, it was also mentioned that the Assistant Engineer and Overseer of the Panchayat, upon physical verification, reported that approximately 7,530 m³ of legacy waste remained at the site, thereby underscoring the urgent necessity of its removal. The Committee also decided to take the approximate quantity of waste through Suchitwa Mission approved agency called ‘Spread Survey’. More over the Committee decided to place the matter before Co-ordination Committee (at Government level) for ratifying the action of Grama Panchayat inviting manual Tender instead of e-Tender.

(7) The Secretary, Mangalpady Grama Panchayat submitted a representation dated 30.11.2022 to Government confirming that Project No.

138/2022 (Removal of Waste from Kubanoor Waste Plant) had been duly approved by the District Planning Committee and vetted by the Block Development Officer. The Secretary also admitted that, in view of indefinite protests by local residents, the Panchayat had unanimously resolved to implement the project without delay by resorting to manual tender process instead of e-tender. Accordingly, the Government was requested to take necessary steps for ratifying the manual tender process.

(8) This matter was placed before the Government level Co-ordination Committee (CC) meeting held on 15.06.2023 and the Committee decided as follows:

Waste management issues are severe in Mangalapady GP due to the littering of waste in public places and the Secretary need to take stringent actions against this illegal dumping of waste. Moreover the Co-ordination Committee entrusted Director (Rural) to submit a report from the Internal Vigilance Officer on the proposal of Grama Panchayat for considering the matter later.

The Report furnished by the Director (Rural) was considered by the Co-ordination Committee meeting held on 26.9.2023 and decided as follows:

Severe lapses have been occurred from the part Grama Panchayat on implementation of the project. Acceptance of Manual Tender instead of e-Tender have to be examined at Department level and to initiate further actions in this regard. It was also decided to initiate further actions on the removal of waste made through e-Tender process or the procedures as per the existing guidelines issued by Government.

Accordingly direction was given to Director (Rural) to initiate action as per Co-ordination Committee decision and to furnish report to Government. As

per Government order read as 1st paper above direction has been issued to initiate further actions on the removal of waste at Kubanoor Plant made through e-Tender process or the procedures as per the existing guidelines issued by Government.

(9) Shri.Shabeer Thalapady Abbas filed WP(C)33793/2025 before Hon'ble High Court requesting Court intervention for releasing the amount due to him from Mangalpady Grama Panchayat. After detailed examination of the case the Hon'ble High Court as per Judgment read as 3rd above delivered as follows;

'Limited relief sought by the petitioner is to direct the respondents concerned to pass orders on Ext.P12 and P13. After hearing the learned counsel for the petitioner and the learned Government Pleader, I am inclined to dispose of this writ petition. Accordingly, it is ordered that the 1st and 2nd respondents shall take up Exts.P12 and P13 respectively and appropriate decisions thereon shall be taken within a period of two months from the date of receipt of a copy of this judgment, after giving the petitioner an opportunity for being heard'.

(10) The judgment was received in Government on 24.09.2025. As such the time limit expired on 23.11.2024. As per letter read as 4th paper above, Advocate General was requested to move for an extension petition for a period of three months from 24.11.2025 for complying with the judgment dated 15.09.2025 of Hon'ble High Court in WP(C) 33793/2025.

(11) As part of compliance of the order of Hon'ble High Court, Under Secretary, LSGD was authorised to hear the petitioner and the petitioner was personally heard (online) on 23.10.2025. While hearing, the petitioner requested Government for necessary actions to release the balance fund withheld by the Panchayat authorities. The petitioner argued that non-payment of the admitted contractual dues is not on account of any fault or default on his part, but solely due to procedural lapses in the mode of

tendering adopted by the Panchayat. He had also requested one week time for producing connected documents directly to hearing officer, through his counsel. Accordingly the counsel for the petitioner presented personally before the Under Secretary, LSGD on 29.10.2025 and submitted an argument note and other connected documents. But the documents produced by the counsel of petitioner is similar to that in the WP(C). Even though the petitioner stated in the WPC that he had removed waste from the site and delivered it to White Rose Distributors, Mangalore and also stated in hearing that it was distributed to a cement factory in Gulbarga, Mangalore , no documents regarding movement of waste to Mangalore Cement factory, etc was produced by the Counsel or the Petitioner.

(12) The present Secretary, Mangalpady Grama Panchayat and the Assistant Director, LSGD, Kasargod (representative from the o/o Joint Director, Kasargod) were also present in the hearing.

(13) Exhibit P12 representation (mentioned in the High Court Order) submitted by the petitioner through email has not seen received in Government. From the screen shot of e-mail despatch data produced by the petitioner as per Exbt P14, it is clear that the petition has not mailed to Government. But it may be noted that the prayer of the applicant in representation as per Exbt P12 is akin to the representation submitted by the petitioner dated 24.6.2024 to the Hon'ble Minister LSGD through President, Mangalpady Grama Panchayat and MLA, Manjeswaram for sanctioning the balance amount from the Grama Panchayat. The said representation dated 24.6.2024 has already been examined by the Government. As the Hon'ble High Court has directed Government to take a decision on Exts.P12 after hearing the petitioner, Government proceeded to comply the judgment examining the prayer of petitioner in representation dated 24.6.2024.

(14) In the report submitted by the Principal Director, LSGD in the representation dated 24.06.2024 it was clearly mentioned that on another representation submitted by the petitioner in the Adalath of Hon'ble Minister LSGD, it was decided to constitute a committee consisting of Assistant Director (Development)LSGD, Representatives of Clean Kerala Company Ltd, Suchitwa Mission and Kerala Solid Waste Management Project for a detailed investigation in this regard. After detailed investigation the Committee submitted the following recommendations;

- i. No documents to sort out the irregularities mentioned in the Kerala State Audit Department's report and the Internal Vigilance Officer's inspection report, concerning the above scheme, were presented by the Panchayat or the applicant during the inquiry.*
- ii. It is reported that documents such as the details recording the quantity of waste that was to be removed as per the above scheme, the trip sheet of the vehicle that removed the waste, documents verifying the weight (Weighing Bridge Invoice), and the certificate of the employee who supervised the removal of waste from the plant were not made available for inspection. Consequently, it is not possible to determine the amount sanctioned to the contractor to date or the balance amount, if any, due to be paid. (The contract was signed for the removal of waste at a rate of ₹2750/- per tonne, but documents proving how many tonnes of waste were removed are not available in the file).*
- iii. The aforementioned documents related to the said scheme were not presented either during the inspection by the Kerala State Audit Department or during the inquiry by the Internal Vigilance Officer. However, the authenticity of the documents currently submitted by the contractor, Mr. Shabeer Thalappadi Abbas - namely the 'Service Charge Receipt from an establishment named WHITE ROSE DISTRIBUTOR' in Karnataka and the 'Weight and Measurement Certificate from Gulbarga Cement Factory'—cannot be verified."*

Accordingly as per letter read as 2nd above, a reply was given to the Hon'MLA, Manjeswaram stating that irregularities were found in the work of removing the accumulated non-biodegradable waste at the Kumbannoor Waste Management Plant in Mangalpady Grama Panchayat, such as formulation of the project without following proper procedures, failing to examine the discrepancies in the project implementation, illegally transferring ₹15,00,000/- (Rupees Fifteen Lakhs) to the contractor, and failing to complete the work within the stipulated time limit. Therefore the

request for sanctioning the balance amount to the contractor can only be considered subject to a detailed investigation and subsequent action decided upon against the concerned officials.

(15) More over, from the report furnished by Joint Director, Kasargod dated 23.10.2025 while hearing, it evidently discloses the following:

- In the tender notice dated 12.04.2021 it is clearly stipulated that tender is invited for removal of waste at ground level. Tender procedures were initiated much before the project got approved from Annual Plan of Grama Panchayat.
- The performance audit Supervisor who was authorised for vetting the said project returned the project proposal clearly indicating the draw backs of the project proposal. He already directed Grama Panchayat to get a report from District Suchitwa Mission as clear violations were noted in the project formation stage itself. But before getting the above mentioned report from Suchtiwa Mission, the Grama Panchayat got vetted the project by Block Development Officer, Manjeswaram for implemenation.
- e-tender procedures were not followed, even though the project cost was Rs. 85 lakh. The approximate quantity of waste to be removed was not calculated before inviting tender. More over no records have been kept in file regarding the acceptance of tender by the Council of Grama Panchayat.
- A work order was issued to S.M.Hameed (first applicant in tender) vide order A2/4150/2090 dated 28.04.2021, but no agreement was executed with him. Later the Secretary Grama Panchayat issued another work order dated 16.08.2021 to Shabeer Ahammed Thalappady neglecting the fact that Sri.Hameed quoted lowest amount (Rs.2600/tonne). Neither the approval of Panchayat committee nor the amount was mentioned in the said work order.
- Shabeer Ahammed Thalappady submitted the application in the letter pad of White Rose Distributors claiming an amount of Rs. 40,19,647/- as charge for removing 14.61 lakh Kg plastic waste. He charged

remuneration @ 2750/- per tonne instead of the rate he quoted Rs.3500/-. But neither documents regarding the negotiations made between the petitioner and the Grama Panchayat nor the Panchayat Committee decision in this regard were found in the records. Even though these anomalies were clearly noted by the then Section Clerk and Accountant in the file and informed the Secretary, without considering these facts, the then Secretary sanctioned Rs.15 lakh to the petitioner as part of advance amount as per invoice submitted by White Rose Distributors.

- The petitioner has not produced any documents proving his ownership status of White Rose Distributors. Also no documentary evidence were furnished by the petitioner for proving the quantity of waste removed from the site.
- As the vehicles used for removing waste was not fitted with GPS, the destination in which the waste were deposited could not be identified. No officers were authorised for providing a certification in this regard.
- No reports of monitoring committee, comprising of the people representatives and the officials of Grama Panchayat were produced before sanctioning part bill payment. More over the mandatory deductions of GST or TDS were not made while making the above payment.
- The authenticity of the service charge receipt of White Rose Distributor company and the weighing measurement certificate from the Gulbarga Cement factory could not be proved.
- Although there was a situation where the waste had to be removed urgently from Kubanoor, there were lapses in fully adhering to the tender procedures for waste removal, in entering into a contract with precise contractual terms, and in releasing the payment without accurately assessing the quantity of waste removed in a timely manner.

(16) From the report of Joint Director, Kasargod dated 30.10.2025 it is clear that a formal enquiry has been made against Sri.Santhosh Varghese, then Secretary Mangalapady Grama Panchayat and Joint Director, Kasargod

has been authorised to conduct the enquiry as per order dated 28.08.2025 of Principal Director, LSGD and the enquiry report reveals the following;

There was lack of experienced staff, including the Section Clerk who had to deal with the tender procedures. Shri. Santhosh Varghese, who was promoted from the post of Assistant Secretary to Secretary, joined the post of Secretary in Mangalpady Grama Panchayat on 01.03.2020. He performed his duties in the Mangalpady Grama Panchayat until 10.03.2021. Although there were lapses occurred in preparing project in contrary to the guidelines, in implementing the project without following procedures, and sanctioning the amount, the former President's statement makes it clear that the Panchayat governing body adopted a practical approach of taking urgent steps to resolve the severe waste problem and the public agitations in Mangalpady Grama Panchayat in connection with the accumulation of waste.

(17) A National Green Tribunal case (PIL) is also pending on Kubannoor Bio mining issue. As per direction of the Tribunal, Justice A V Ramakrishna Pillai made a local inspection of the site on 07.05.2023 and submitted report before the Tribunal with a conclusion that "it is evident that the authorities concerned are not taking keen interest to addresses the issue and to provide a viable and effective solution at the earliest. If the issue is left unattended indefinitely, untoward incidents like those occurred at the Brahmapuram Yard in Ernakulam District are likely to occur in Mangalpady also". Based on the said report, the Hon'ble Tribunal has been giving direction since 05.02.2024 to submit reports regarding present status of the Bio mining activities of Kubannoor Plant and Government have been submitting the status reports before the Hon'ble Tribunal. But the fact is that a concrete report could not be submitted by Joint Director, Kasargod regarding the completion of bio mining activity in the area till date. From the above it is clear that the issue is still persisting there and the contention of the petitioner that he had removed all the waste at Ground level and transported to Mangalore is not at all considerable.

(18) A formal notice was issued to the Panchayat and the Petitioner to submit the documents / proof of the quantity of the waste removed, transported or processed. Based on the above, on 28.11.2025, Counsel for the petitioner submitted documents include photographs, service charge receipts issued by White Rose Distributors and weighment certificates issued by Kesoram Industries Ltd. (Birla Shakti Cement) at Gulbarga, Mangalore and requested to take appropriate action based on the facts presented.

(19) To verify the authenticity of the documents submitted by the Counsel for the petitioner, a committee was constituted as per Government order read as 5th paper above. The Committee submitted report to Government after due scrutiny. The report states that the documents produced are insufficient to release the bill amount to the contractor. Although the records produced by the contractor indicate that waste was transferred to a cement company named Kesoram Industries in Gulbarga, it cannot be authoritatively confirmed whether the waste delivered to the cement company was indeed the waste from the Kubannoor Waste Treatment Plant in Mangalpady Panchayat. The Committee has reported lack of adequate evidence to verify the authenticity of the documents submitted by the petitioner.

(20) Several irregularities have been detected in the formulation of the project for inorganic waste removal at the Kumbannur Waste Treatment Plant in Mangalpady Grama Panchayat, such as failure in pursuing proper procedures, lapses in project implementation, the illegal transfer of ₹15,00,000/- (Fifteen Lakh Rupees) to the petitioner, and the failure to complete the work within the stipulated time limit. Hence Government have been examining the possibility of taking stringent action against the officers responsible for these irregularities.

21) In the circumstances considering the above facts and particularly the

recommendation of the Committee stating that the documents produced by the petitioner are insufficient to release the bill amount to the contractor, the petitioner's request for the release of the remaining amount cannot be considered at this juncture. As such the Exhibit P12 application submitted by the petitioner is hereby rejected and accordingly the order of the Hon'ble High Court dated 15.09.2025 in WP(C) No. 33793/2025 is complied with.

(By order of the Governor)
PREETHA K S
ADDITIONAL SECRETARY

To:

The Advocate General, Kerala, Ernakulam.(with C/L)

Sri.Shabeer Thalappady Abbas, S/o T.E.Abbas, Kand House, Thalappady P.O., Kasaragod - 671 323.

The Principal Director, Local Self Government Department.

The Joint Director, LSGD, Kasaragod

The Secretary, Mangalpady Grama Panchayat.

The Principal Accountant General (A&E) / (Audit), Kerala, Thiruvananmthapuram.

The I&PR (Web & New Media) Department.

The Executive Director, IKM.

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