

K.Sivanandan Vs. T.Radhakrishnan

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Court : Kerala

Decided On : Sep-16-2014

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : K.Sivanandan

Respondent : T.Radhakrishnan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE TUESDAY, THE 16TH DAY OF SEPTEMBER 2014 25TH BHADRA, 1936 RP.No. 652 of 2014 (G) IN WP(C).13663/2014 ----- AGAINST THE

ORDER

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JUDGMENT

IN WP(C) 13663/2014 of HIGH COURT OF KERALA DATED 2006-2014 REVIEW PETITIONER/4TH RESPONDENT: ----- K.SIVANANDAN AGED 46 YEARS S/O. APPUKUTTY, VIVEKALAYAM HOUSE, KANJIKULAM.P.O. KALLADIKODE VIA, PALAKKAD-678596. BY ADVS.SRI.BINOY VASUDEVAN SMT.P.G.BABITHA RESPONDENTS/PETITIONER & RESPONDENT 1 TO 3 ----- 1. T.RADHAKRISHNAN, AGED 51 YEARS S/O. NARAYANAN, THEKKUMKARA VEEDU, PERUMTHATTAPRAMBU

GURUVAYUR.P.O., THRISSUR DISTRICT-680101.

2. THE ADDITIONAL TAHSILDAR, PALAKKAD-678001.

3. THE VILLAGE OFFICER, MUNDOOR-2 VILLAGE, PALAKKAD DISTRICT-678592.

4. DIRECTOR OF SURVEY AND LAND RECORDS VAZHUTHACAUD, THIRUVANANTHAPURAM-695014. R1 BY ADV. SRI.G.HARIHARAN R1 BY ADV. SRI.PRAVEEN.H. BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 16/09- 2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: APPENDIX TO RP.No. 652 of 2014 (G) IN WP(C).13663/2014 ANNEXURE A: TRUE COPY OF DOCUMENT NO.183/1965, OF S.R.O PARLI ANNEXURE B: TRUE COPY OF DOCUMENT NO.3757/97 OF S.R.O PARLI. ANNEXURE C: TRUE COPY OF DOCUMENT NO.1730/2004 OF S.R.O PARLI. ANNEXURE D: TRUE COPY OF THE RECEIPT OF BUILDING TAX ISSUED BY THE MUNDUR PANCHAYAT. ANNEXURE E: TRUE COPY OF THE COMMUNICATION DATED 28/09/2007 ISSUED BY THE ASSISTANT DIRECTOR, RE-SURVEY OFFICE. ANNEXURE F: TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER DATED 20/05/2009. ANNEXURE G: TRUE COPY OF THE COMMUNICATION DATED 21/11/2009 ISSUED BY THE DISTRICT SURVEY SUPERINTENDENT TO THE WRIT PETITIONER. ANNEXURE H: TRUE COPY OF THE REQUEST BEFORE THE ADDITIONAL TAHSILDAR AS EARLY AS ON 21/08/2013. ANNEXURE I: TRUE COPY OF THE NOTICE ISSUED BY THE TALUK SURVEYOR, TALUK OFFICE, PALAKKAD. TRUE COPY PA TO JUDGE A.M.SHAFFIQUE, J * * * * *

Review Petition No.652 of 2014 in W.P.C.No.13663 of 2014
----- Dated this the 16th day of September 2014

ORDER

This review petition is filed by the 4th respondent in the writ petition seeking review of the judgment dated 20/06/2014. It is submitted by the review petitioner that the writ petitioner has no title or possession in respect of the property against which relief has been sought for in the writ petition whereas the property absolutely

belongs to the review petitioner. Since the writ petition was disposed of at the admission stage, he did not get an opportunity to make his submissions and therefore he has moved before this Court with this review petition.

2. Perusal of the aforesaid judgment would disclose that the writ petition was disposed of at the admission stage after getting instructions from the learned Government Pleader. The only instruction submitted by the learned R.P.No.652/2014 in W.P.C.No.13663/2014 2 Government Pleader was that the application for measurement of the property was not submitted in the proper form.

3. Counter affidavit is filed by the petitioner in the writ petition controverting the allegations raised in the review petition.

4. Having gone through the averments in the review petition as well as the counter affidavit, I am of the view that the interest of the parties will be substantially affected if the judgment is allowed to operate. Hence it is all the more necessary that the review petitioner is heard before final order is passed in the writ petition . In the result, the review petition is allowed. Judgment dated 20/06/2014 is recalled. Post W.P.C.No.13663/2014 before the appropriate court. (sd/-) (A.M.SHAFIQU, JUDGE) jsr R.P.No.652/2014 in W.P.C.No.13663/2014 3

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