

Swarnam R vs Sivan S

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : RP/189/2024

Appellant : Swarnam R

Respondent : Sivan S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 RP NO. 189 OF 2024 AGAINST THE ORDER/JUDGMENT DATED IN WP(C) NO.31346 OF 2023 OF HIGH COURT OF KERALA REVIEW PETITIONER/S: SWARNAM R AGED 73 YEARS W/O LATE K C MUTHU, , KALAMPUZHA, PALLIIPPURAM P O, MEPPARAMBU, PALAKKAD, PIN - 678006 BY ADVS. PHILIP M.VARUGHESE DON THOMAS PHILIP RESPONDENTS:

1 SIVAN S AGED 57 YEARS S/O LATE SUBRAHMANIAN ANJANA, THIRUPURACKAL NAGAR VADAKKANTHARA POST PALAKKAD, PIN - 678012 2 GANESAN A AGED 58 YEARS S/O ACHUTHA MOOTHAN

ALIAS ACHUKUTTAN MOOTHAN SREE GANESH BHAVAN
THIRUPURACKAL NAGAR VADAKKANTHARA POST PALAKKAD, PIN
- 682018 3 PALAKKAD MUNICIPALITY PALAKKAD MUNICIPALITY
PALAKKAD REP. BY THE SECRETARY., 4 THE SECRETARY
PALAKKAD MUNICIPALITY PALAKKAD, PIN - 678001 5 THE
MUNICIPAL COUNCIL PALAKKAD MUNICIPALITY PALAKKAD REP.
BY THE CHAIRPERSON,

OTHER PRESENT: SRI. BINOY VASUDEVAN (SC)/ SRI. SAJAN VARGHESE K.
(FOR RESPONDENT) THIS REVIEW PETITION HAVING COME UP FOR
ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: in

BECHU KURIAN THOMAS, J.

----- in ----- Dated this the
29th day of February, 2024

ORDER

Petitioner has preferred the review petition challenging the judgment dated 26-09-2023.

2. On a perusal of the judgment, it is noticed that the

Municipal Council has only been directed to consider and pass appropriate orders on the appeal preferred by the writ petitioner in a time-bound manner after hearing both sides.

3. The appeal has been preferred against Ext.P6 order

issued by the Secretary and while disposing of the writ petition, I had not considered anything on merits. Since an

order adverse to the writ petitioner was issued, and an appeal

was preferred, the same was only directed to be disposed of. There is no error apparent on the face of the record. Accordingly, I find no merit in this review petition, and it is dismissed. Sd/- BECHU KURIAN THOMAS JUDGE AJM in APPENDIX OF RP 189/2024 PETITIONER ANNEXURES Annexure A1 A TRUE COPY OF THE DECISION NO 1644 DATED 25-04-2018 OF THE MUNICIPAL COUNCIL ISSUED TO THE 1ST PETITIONER DATED 6-06-2018 Annexure A2 A TRUE COPY OF THE INFORMATION GIVEN BY THE EXECUTIVE ENGINEER DATED 2-11-2022

Annexure A3 A TRUE COPY OF THE ORDER PASSED BY

COMPLAINT NO 1056/2022 Annexure A4 THE TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT ORDER ON 11- 08-2023 IN COMPLIANCE OF THE DIRECTION IN THE WP NO 10389/2020, Annexure A5 A TRUE COPY THE ORDER PASSED BY THE 3RD RESPONDENT AS PER THE DIRECTION OF THE HUMAN RIGHTS COMMISSION DATED 18-03-2023 Annexure A6 A TRUE COPY THE ORDER IN HRMP NO COMMISSION DATED 04-05-2023 Annexure A7 A TRUE COPY OF THE OBJECTION FILED BY PETITIONERS Annexure A8 TRUE COPY OF THE NOTICE DATED TRUE COPY

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