

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON  
&  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015 /4TH AGRAHAYANA, 1937

RP.No. 992 of 2008 IN LA.App..408/1986

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AGAINST THE ORDER/JUDGMENT IN LA.App. 408/1986 of HIGH COURT OF KERALA  
DATED 06-06-1995  
(AGAINST THE JUDGMENT IN L.A.R.No.66/1983 OF THE ADDL.SUB COURT, PALAKKAD)

REVIEW PETITIONER/RESPONDENT IN LAA:

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SPECIAL TAHSILDAR, (LA), GENERAL, PALAKKAD.

BY GOVERNMENT PLEADER SMT.ROSE MICHAEL

RESPONDENT/PETITIONER IN LAA:

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K.P.UNNIKAMMU,  
K.P.M.BUNGALOW,  
OLAVAKOT.

BY SRI.E.K.MADHAVAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON  
25-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.R.RAMACHANDRA MENON & ANIL K.NARENDRA, JJ.**

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**C.M.Appln.No.2008 of 2008 in R.P.No.992 of 2008**

**&**

**R.P.No.992 of 2008 in L.A.A.No.408 of 1986**

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**Dated this the 25<sup>th</sup> day of November, 2015**

**ORDER**

Ramachandra Menon, J.

Review is sought for by the Special Tahsildar, (LA) General, Palakkad in respect of the judgment dated 6.6.1995 passed by this Court in L.A.A.No.408 of 1986. Since the R.P. is belated, the delay of 4306 days (more than 12 years) is sought to be condoned by filing C.M.Appln.No.2008 of 2008.

2. Heard the matter in detail.

3. It is submitted by the learned Senior Government Pleader appearing for the review petitioner that an obvious mistake has crept in while passing the judgment, in so far as interest has been awarded from the date of Section 4(1) notification issued on 19.4.1977, which ought to have been only from 20.5.1983-the date of taking possession as per the scheme of the L.A. Act and the binding judicial precedents on the point.

4. There is no dispute with regard to the factual aspects. On going through the pleadings and proceedings, it is seen that certified copy was delivered to the review petitioner way back on 21.6.1995, as stated in paragraph 3 of the affidavit in support of the application. The mistake however came to the notice of the District Collector later and it was only after about 4 years, that a communication was issued on 13.5.1999 to the Advocate General's Office pointing out the mistake and to have the same got rectified. The said communication is stated as served to the Advocate General's Office on 24.5.1999. But, since certified copy of the judgment was not forwarded, it was instructed to be forwarded as per communication issued from the Office of the Advocate General. It is stated that the same was complied with, but the date on which it was required to be forwarded as instructed from the Office of the Advocate General, as well as the date on which it was forwarded, are conspicuously not mentioned in the affidavit. The course and events as put forth by the petitioner, in paragraphs 4 and 5 of the affidavit, are in the

following terms:-

"4. After obtaining the certified copies of the judgment and decree, the matter was placed before the then Government Pleader for his opinion as to the further action to be taken in the matter. After obtaining the opinion of the then Government Pleader, the certified copies of the judgment and decree along with the opinion were forwarded to the District Collector's Office by communication dated 25.8.1995. The matter was then placed before the Land Acquisition Officer in the Collectorate and the matter was examined with reference to the relevant files. Thereafter on a close scrutiny of the judgment it was found that a mistake has crept in the judgment as to the awarding of statutory interest. Instead of granting interest from the date of taking possession, the court had granted statutory interest from the date of section 4(1) notification. Realizing the same, a communication dated 13.5.1999 was issued to the Advocate General's Office from the District Collector, Palakkad pointing out the fact regarding the mistake in the judgment and the said communication was received in the Advocate General's Office on 24.5.1999. Since the certified copy of the judgment was not forwarded along with the communication, the certified copies were forwarded thereafter to the Advocate General's Office on a communication from the Advocate General's Office.

5. On receipt of the said communication from the District Collector, the files were placed before the Government Pleader in the Advocate General's Office who gave his legal opinion. The said opinion did not advert to the point raised by the Land Acquisition Officer as to the granting of statutory interest and therefore, the Special Tahsildar, Palakkad on 12.6.2002 again addressed the Advocate General by means of a letter detailing the correction to be sought from this Honourable Court as to the mistake in the judgment. The said communication was received in the Advocate General's Office on 27.6.2003 and the matter was again placed before the then Government Pleader for action. Due to the pressure of work in the Advocate General's Office, the Government Pleaders who were in charge of Civil matters during that period were not able to attend to the concerned file and ultimately on 9.4.2007 the matter was again placed before the Government Pleader in charge of the same who opined that a review petition is to be filed in the matter. Immediately, necessary steps were taken by the Advocate General's Office for preparing the Review petition and the present appeal was filed."

After hearing, this Court finds that the explanation offered from the part of the petitioner is not at all satisfactory. In the

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said circumstance, the C.M.Application is dismissed. As a natural  
consequence, the Review Petition as well.

Sd/-

**P.R.RAMACHANDRA MENON, JUDGE**

Sd/-

**ANIL K.NARENDRA, JUDGE**

skj

True copy

P.A to Judge