

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

RP.No. 1003 of 2012 (I) IN WP(C).37485/2010

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AGAINST THE ORDER/JUDGMENT IN WP(C) 37485/2010 of HIGH COURT OF KERALA
DATED 28-05-2012**

REVIEW PETITIONERS/RESPONDENTS 1 & 2 IN W.P.:

- 1. STATE OF KERALA, REP. BY DISTRICT COLLECTOR,
ALAPPUZHA - 688 001.**
- 2. THE SUPERINTENDING ENGINEER OF PWD NATIONAL
HIGHWAY SOUTHERN CIRCLE, MEDICAL COLLEGE P.O.,
TRIVANDRUM - 695 001.**

BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVAD

RESPONDENT(S):

**M.G.SANKARANANDAN, PWD CONTRACTOR,
MAMMOOTTIL HOUSE, VALAVANAD,
S.L. PURAM, ALAPPUZHA.**

BY SRI.S.KRISHNAMOORTHY

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 09-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RPNo. 1003 of 2012 (I) IN WP(C).37485/2010

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE-1: COPY OF THE LETTER SENT BY THE RESPONDENT/PETITIONER TO
THE 2ND PETITIONER/2ND RESPONDENT DATED 4.2.2012.**

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A. TO JUDGE

VPV

P.N.RAVINDRAN, J.
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R.P.No.1003 of 2012
in
W.P.(C)No.37485 of 2010
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Dated this the 9th day of February, 2015

ORDER

The prayer in this review petition is to review and recall the judgment delivered by this Court on 28.5.2012 in W.P.(C)No.37485 of 2010. The main ground raised is that the petitioner has in Annexure-1 letter dated 4.12.2012 sent by him to the second respondent conceded that the amount deposited by him by way of security deposit and the interest that has accrued thereon can be adjusted against the amounts payable by him to the department and therefore, the direction issued by this Court in the judgment sought to be reviewed may be reviewed and recalled.

2. Apart from vaguely stating that as on 31.3.2011, the sum of Rs.68,177/- was due from the petitioner by way of sales tax, the sum of Rs.1,34,929/- was due from him towards income tax arrears and the sum of Rs.4,713/- was due from him towards contribution to the Kerala Construction Workers' Welfare Fund, the respondents had not in the writ petition produced any material to substantiate the said plea. Even in the review petition, no document is produced

to prove that any amount is due from the petitioner under the above three heads. It is only if the petitioner is really liable for the said amount that the review petitioners can press Annexure-1 letter into service to contend that the judgment delivered by this Court on 28.5.2012 should be reviewed and recalled. In the absence of any evidence to show that the aforesaid amounts are due from the petitioner, I am of the opinion that no reliance can be placed on Annexure-1 letter to review the judgment disposing of the writ petition which was delivered on 28.5.2012.

I therefore find no good grounds to review the judgment delivered by me on 28.5.2012. The review petition fails and it is accordingly dismissed. No costs.

Sd/-
P.N.RAVINDRAN
JUDGE

vpv