

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

RP.No. 702 of 2013 () IN MFA.53/2011

AGAINST THE ORDER/JUDGMENT IN MFA 53/2011 of HIGH COURT OF
KERALA DATED 16-01-2012

REVIEW PETITIONER(S)/APPELLANTS:

1. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
FOREST DEPARTMENT, VAZHUTHACAUD
THIRUVANANTHAPURAM. 695 014.
2. THE CUSTODIAN (ECOLOGICALLY FRAGILE LAND) &
ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF
FORESTS (WORKING PLAN & RESEARCH),
FOREST HEADQUARTERS, VAZHUTHACAUD
THIRUVANANTHAPURAM - 695 014.
3. THE DIVISIONAL FOREST OFFICER
MANNARKAD DIVISION, MANNARKAD.P.O.,
PALAKKAD-678 582.
4. THE RANGE OFFICER
ATTAPADI.

BY ADV.M.P.MADHAVANKUTTY,
SPL. GOVERNMENT PLEADER FOR FOREST

RESPONDENT(S)/RESPONDENTS:

1. BOJAN
S/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
2. RANI
D/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2,
NILGIRIS DISTRICT, TAMILNADU-643 219.

3. KAMALA
D/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
4. LAKSHMI
D/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
5. SUNDARARAJAN
S/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
6. SIVARAMAN
S/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
7. CHANDRAMATHI
S/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
8. RAVI
S/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
9. SHEELA
D/O.LATE KADA GOWDER, KATCHIKATTI,
KEELKUNTHA-2
NILGIRIS DISTRICT, TAMILNADU-643 219.
10. J.RAJI
EX-GOVT. TEACHER, KOTHIBINN VILLAGE,
BENGALMATTAM.P.O.
NILGIRIS DISTRICT, TAMILNADU.

BY SMT.SREEKALA KRISHNADAS

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE-I : COPY OF ORDER DATED 23.07.2012 IN SLP NO.11917
OF 2012 BY THE HONOURABLE SUPREME COURT OF INDIA.

ANNEXURE-II : COPY OF REPORT DATED 05.07.2013 BEARING
NO.151/2013 ISSUED BY THE VILLAGE OFFICER, PUDUR.

ANNEXURE-III : COPY OF NOTIFICATION.

//TRUE COPY//

PS TO JUDGE.

Thottathil B.Radhakrishnan

&

A.M.Shaffique, JJ.

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R.P.No.702 of 2013 in M.F.A.No.53 of 2011

&

C.M.Appl.No.2033 of 2013

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Dated this the 8th day of April, 2015

(In Chambers)

O R D E R

Thottathil B. Radhakrishnan, J.

1.This petition seeking review of the judgment comes up with an application seeking condonation of delay of 543 days in instituting such petition.

2.We have perused the affidavit filed in support of the application seeking condonation of delay. We have also considered as to the existence or otherwise of any ground for review of judgment.

3.The judgment was challenged by the State by

instituting Special Leave Petition before the Hon'ble Supreme Court of India. Following is the order passed by the Hon'ble Supreme Court in that SLP:

“Delay condoned.

Having heard the learned counsel for Petitioners and after perusal of the record, we are not inclined to interfere with the impugned judgment.

The Special Leave Petition is, accordingly, dismissed.”

4. In view of the aforesaid, there is a disposal of the Special Leave Petition against the interest of the State after holding that there is nothing to interfere with the judgment which was sought to be challenged. Therefore, the judgment sought to be reviewed has merged with the order of the Hon'ble Supreme Court. Under such circumstances, the application for review of that judgment does not lie. Even otherwise, we do not see any ground

to review the judgment. Apart from this, we are not impressed that there is any sufficient cause to condone the delay in instituting the petition for review.

In the result, C.M.Application and review petition are dismissed.

Thottathil B.Radhakrishnan
Judge

A.M.Shaffique
Judge

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