

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

RP.No. 1016 of 2013 (C) IN LA.App..12/2006

AGAINST THE ORDER/JUDGMENT IN LA.App. 12/2006 of HIGH COURT OF
KERALA DATED 27-03-2012

REVIEW PETITIONER(S)/FIRST RESPONDENT IN LAA:

STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, THRISSUR
COLLECTORATE, AYYANTHOLE, THRISSUR.

BY ADV. ALOYSIUS THOMAS, SR.GOVERNMENT PLEADER

RESPONDENT(S)/APPELLANT AND SECOND RESPONDENT IN LAA:

1. M.D.MATHAI, AGED 70,
S/O.DEVASSY, THATTIL MOORKKANATTUKARAN
KALLETUMKARA VILLAGE DESOM
MUKUNDAPURAM TALUK-680 683.
2. THE MANAGING DIRECTOR
KERALA ROADS AND BRIDGES
DEVELOPMENT CORPORATION
ERNAKULAM-682 011.

R1 BY SRI.G.SREEKUMAR (CHELUR)

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23-09-2015, ALONG WITH R.P.NOS.9 AND 82 OF 2014, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

RP1016/13

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE I : COPY OF ORDER DATED 07.12.2007.

//TRUE COPY//

PA TO JUDGE.

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THOTTATHIL B.RADHAKRISHNAN
&
A.V.RAMAKRISHNA PILLAI, JJ.

R.P.No.1016 of 2013 in L.A.A.No.12 of 2006,
R.P.No.9 of 2014 in L.A.A.No.82 of 2006,
R.P.No.82 of 2014 in L.A.A.No.1328 of 2007
and
C.M.Appl.No.96 of 2014 in R.P.No.82 of 2014

Dated this the 23rd day of September, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. C.M.Application No.96 of 2014 is filed seeking condonation of delay in filing R.P.No.82 of 2014. All the three review petitions are filed seeking review of the judgments passed in land acquisition appeals rendered in favour of the claimants, who have filed appeals challenging the award passed by reference court.
2. Heard the learned Government Pleader and the learned counsel for the respective respondents.

3. The plea projected in these review petitions is that the land acquisition cases were settled in Lok Adalat even before the institution of the appeals and, therefore, the land acquisition appeals in which the judgments sought to be reviewed were issued, were not maintainable. It is trite law that an award passed in Lok Adalat cannot be subjected to appeal except on enumerated grounds referable to the provisions of the Legal Services Authorities Act, 1987. But the issue in hand is different. What has been settled in the Lok Adalat are the execution proceedings in relation to the awards passed by the reference court. Therefore, when the decree holders claimants submit that having concluded the litigations, it only means that due execution, discharge and satisfaction of the awards passed by the reference court are to be recorded through the Lok Adalat. That does not preclude the appeals against the land acquisition awards passed by the reference court. Under such circumstances, we do not find our way to hold that there is any error apparent on the face of the record of the judgments sought to be reviewed. These review petitions, therefore, fail.

RP1016/13& conn.

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We also do not, on the facts of the case, see any ground to condone the delay as sought for through C.M.Application No.96 of 2014.

In the result, C.M.Application No.96 of 2014 and R.P.Nos.1016 of 2013, 9 & 82 of 2014 are dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(A.V.RAMAKRISHNA PILLAI, JUDGE)

jg/25/9