

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

RP.No. 109 of 2015 (L)

AGAINST THE JUDGMENT IN W.P.(C).NO.1318/2015, DATED 21.01.2015

PETITIONER(S)/5TH RESPONDENT :

**JAYAPRAKASH, AGED 63 YEARS,
SON OF BENSON, RESIDING AT BETHEL HOUSE,
BETHEL VILAKOM, VENGANOOR, TRIVANDRUM.**

**BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE**

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 TO 4 AND 6 :

- 1. S.PATHUMUTHU,
WIFE OF LATE HANEEFA, FATHIMA GAS SERVICE,
KOVALAM JUNCTION, KOVALAM.
(REPRESENTED BY HER POWER OF ATTORNEY HOLDER MANESH,
SON OF SAYED BUHARI, MANAGER, FATHIMA GAS AGENCY,
RESIDING AT MUJEEB MANZIL, THONNAKKAL, THONNAKKAL P.O.,
MANGALAPURAM, THIRUVANANTHAPURAM.)**
- 2. THE INSPECTOR GENERAL OF POLICE,
SOUTH ZONE, THIRUVANANTHAPURAM - 695 001.**
- 3. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION, THIRUVANANTHAPURAM - 695 001.**
- 5. THE STATION HOUSE OFFICER
VIZHINJAM POLICE STATION, THIRUVANANTHAPURAM - 695 001**
- 6. THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVE,
KENDRIYA BHAVAN, KAKKANAD, KOCHI, ERNAKULAM - 682 050.**

**R1 BY ADV. SRI.RENJITH B.MARAR
R2 TO R5 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R6 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 30-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

RP.No. 109 of 2015 (L)

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: TRUE COPY OF THE AGREEMENT DATED 23.12.2002
EXECUTED BY THE WRIT PETITIONER AND THE REVIEW
PETITIONER, ALONG WITH ENGLISH TRANSLATION,**

**ANNEXURE II: TRUE COPY OF THE REGISTERED NOTICE DATED 04.09.2014
WITH POSTAL COVER DETAILS AND ENGLISH TRANSLATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

**ASHOK BHUSHAN, Ag.C.J.
&
A.M. SHAFFIQUE, J.**

**R.P. No.109 OF 2015
in
W.P.(C) No.1318 OF 2015**

Dated this the 30th day of January, 2015

ORDER

Shaffique, J.

This Review Petition has been filed by the 5th respondent, *inter alia* submitting that though vakalath was filed by the counsel appearing for the 5th respondent, the name of the counsel was not shown in the cause list. Counter affidavit was also filed but the same had not been placed on record, as a result of which, this Court had passed the judgment on 21.01.2015, taking note of the fact that there was no appearance for 5th respondent.

2. The learned counsel for the 5th respondent submits that certain factual mistakes had crept in the judgment. It is submitted that the lease period has been expired and that the petitioner's occupation is not authorised. The review petitioner had also filed a suit as O.S. No.239/2015 for evicting the petitioner from the said premises. Though it is true that the

respondent-review petitioner was not heard in the matter, as far as the facts involved in the case is concerned, even after the hearing of the review petitioner, we do not think that there is any necessity to recall the judgment. However, we make it clear that any finding or observation in the judgment shall not affect his interest with reference to the civil dispute with the writ petitioner.

With the above clarification, this Review Petition is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.

//true copy//

P.S. To Judge

st/-