

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 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

RP.No. 152 of 2015 (S) IN WP(C).12338/2011

AGAINST THE JUDGMENT IN WP(C) 12338/2011 of HIGH COURT OF KERALA
DATED 8.12.2014

PETITIONER(S)/PETITIONER IN WP(C) :-

P.T.MATHEW
S/O.THOMAS, PLATHOTTAM HOUSE, POONJAR SOUTH P.O.
KOTTAYAM DISTRICT, KERALA PIN - 686 582.

BY ADV. P.T.MATHEW (PARTY IN PERSON)

RESPONDENT(S)/RESPONDENTS IN WRIT PETITION :-

1. UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT
NEW DELHI, MINISTRY OF SURFACE TRANSPORT.
2. MINISTRY OF SURFACE TRANSPORT, UNION OF INDIA
NEW DELHI, REPRESENTED BY ITS SECRETARY.
3. MINISTRY OF ROADS AND HIGHWAYS, UNION OF INDIA
NEW DELHI, REPRESENTED BY ITS SECRETARY.
4. STATE OF KERALA, REPRESENTED BY PUBLIC WORKS DEPARTMENT
REPRESENTED BY THE SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM.

R1 TO R3 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R4 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 20-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

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

**R.P. No.152 of 2015
in
W.P.(C) No.12338 of 2011**

Dated this the 20th day of February 2015

O R D E R

Shaffique, J.

This review petition has been filed by the petitioner seeking to review of the judgment dated 8.12.2014 in W.P.(C) No.12338 of 2011. The review petition is filed raising the following ground :-

"The order dated 7th day of October 2014 insists on an affidavit from a Secretary of Government of India. Further the Superintending Engineer is not the competent authority to file an affidavit on a change of policy matter of the Government of India based on Exhibit-P2."

2. Heard the review petitioner in person.

3. The only ground urged is that no affidavit has been filed by the Government of India and that the Superintending Engineer, who has filed the affidavit is not competent to file an affidavit on behalf of the Government of India based on Ext.P2. In fact, a counter affidavit has been filed on behalf of respondent Nos.1 to 3 clearly narrating the reason why the suggestion put forward by the petitioner cannot be adopted. In so far as the representations submitted by the petitioner are concerned, since

-: 2 :-

an affidavit has been filed in the matter, we do not think that we should call upon the Government of India to file an affidavit. Under such circumstances, the ground urged by the petitioner in the review petition does not warrant review of the judgment dated 8.12.2014. All the submissions made by the review petitioner have already been raised at the time of hearing of the writ petition. The review cannot be a re-hearing of entire matter.

We do not find any error apparent on the face of record to review the judgment. Accordingly, the review petition is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE