

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

RP.No. 178 of 2015

AGAINST THE JUDGMENT IN W.P.(C).NO.27078/2014, DATED 16-10-2014

REVIEW PETITIONER(S) (NOT A PARTY IN THE WRIT PETITION) :

**RADHAMANI AMMA, W/O.MURALEEDHARAN PILLAI,
PREETHY BHAVAN, VILLOOR MURI, MELILA VILLAGE,
KOTTARAKKARA TALUK, KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/WRIT PETITIONER AND RESPONDENT 1 TO 3 :

- 1. N.PANKAJAKSHI AMMA, W/O.SREEDHARA MENON,
KUZHUVELIL VEEDU, VILLOOR MURI, MELILA VILLAGE,
VETTIKAVALA P.O., KOTTARAKKARA, KOLLAM DISTRICT.**
- 2. THE DISTRICT COLLECTOR,
KOLLAM, CIVIL STATION, KOLLAM- 691 013.**
- 3. THE ADDITIONAL TAHASILDAR,
KOTTARAKARA, KOLLAM- 691 506.**
- 4. THE TALUK SURVEYOR,
KOTTARAKKARA, KOLLAM- 691 506.**

**R1 BY ADV. SRI.SHABU SREEDHARAN
R2 TO R4 BY GOVERNMENT PLEADER SMT.M.T.SHEEBA**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: THE TRUE COPY OF THE INTERIM ORDER IN W.P(C).NO.2862/2013 DATED 12.06.2013 OF THIS HON'BLE COURT.
- ANNEXURE A2: THE TRUE COPY OF THE JUDGMENT DATED 20.11.2007 IN O.S.NO.347/2004 OF THE MUNSIF COURT, KOTTARAKKARA.
- ANNEXURE A3: THE TRUE COPY OF THE JUDGMENT IN W.P(C).NO.21543/2011 DATED 08.08.2011 OF THIS HON'BLE COURT.
- ANNEXURE A4: THE TRUE COPY OF THE COMMON NOTICE NO.415/2011 DATED 17.09.2011 ISSUED BY THE 3RD RESPONDENT.
- ANNEXURE A5: THE TRUE COPY OF THE JUDGMENT DATED 03.11.2011 IN W.P(C).NO.29368/2011 OF THIS HON'BLE COURT.
- ANNEXURE A6: THE TRUE COPY OF THE PLAINT O.S.NO.90/2012 FILED BY THE WRIT PETITIONER BEFORE THE SUB COURT, KOTTARAKKARA AGAINST THE REVIEW PETITIONER AND HER TWO CHILDREN.
- ANNEXURE A7: THE TRUE COPY OF THE ORDER NO.K.DIS.1619/2012/J DATED 06.04.2012 ISSUED BY THE ISSUED THE R.D.O., KOLLAM.
- ANNEXURE A8: THE TRUE COPY OF THE REPLY ISSUED BY THE INFORMATION OFFICER, SUB COURT, KOTTARAKKARA UNDER RIGHT TO INFORMATION ACT DATED 27.06.2012.
- ANNEXURE A9: THE TRUE COPY OF THE ORDER NO.J-8327/2012 DATED 24.12.2012 ISSUED BY THE R.D.O., KOLLAM.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

R.P.No.178 of 2015 in W.P.(C).No.27078 of 2014

Dated this the 21st day of July, 2015

ORDER

This review petition is at the instance of third party. This Court by judgment dated 16.10.2014 directed the Additional Tahsildar, Kottarakkara to consider the application filed by the writ petitioner under the Kerala Surveys and Boundaries Act.

2. The learned counsel for the review petitioner submits that, there are some disputes pending between the review petitioner and the writ petitioner. This Court by order dated 12.06.2013 in W.P.(C). No.2862/2013 stayed the operation and implementation of all further proceedings to effect the mutation of the property which is the subject matter of this review petition.

3. It is apparent that, this Court proceeded to dispose of the writ petition as though there was no conflict of interest in respect of the property. The writ petitioner has also suppressed the interim order passed by this Court in W.P.(C).No.2862/2013.

4. In that view of the matter, it is necessary to hear the review petitioner also for consideration of the issues in the writ petition. Accordingly, this review petition is allowed. The judgment in W.P.(C). No.27078/2014 dated 16.10.2014 is reviewed and the writ petition is restored to file. Post the writ petition before appropriate Court having jurisdiction.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.