

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K. SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

R.P.No. 204 of 2015 () IN LA.App..441/2004

AGAINST THE JUDGMENT IN LA.App. 441/2004 of HIGH COURT OF KERALA DATED 25-08-2009.

REVIEW PETITIONER(S)/RESPONDENTS 1-3:

1. PONNAMMA LALITHAMMA,
MEMANA MEENATHETHIL, PAILAPUZHA, HARIPAD.
2. RAJESH, MEMANA MEENATHETHIL, PILAPUZHA,
HARIPAD.
3. DEEPTHI, MEMANA MEENATHETHIL,
PILAPUZHA, HARIPAD.

BY ADVS. SRI. P. SREEKUMAR
SRI. K. S. MANU (PUNUKKONNOOR)

RESPONDENT(S)/RESPONDENT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SENIOR GOVERNMENT PLEADER, SRI. R. PADMARAJ.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.T.O.

R.P.No. 204 of 2015 () in LA.App..441/2004

APPENDIX

REVIEW PETITIONERS' ANNEXURES:

ANNEXURE A1: A TRUE COPY OF THE JUDGMENT DATED 25.08.2009 IN L.A.A.
NO.441 OF 2004.

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

R.P. No.204 of 2015

Dated this the 19th day of November, 2015

ORDER

Surendra Mohan, J.

The petitioners seek review of the judgment dated 25.08.2009 in L.A.A. No.441 of 2004. As per the judgment sought to be reviewed, we have reduced the enhancement in land value granted by the Reference Court for both dry land and wet land, as excessive. Thereafter, the market value for the dry land was fixed at Rs.18,000/- per Are and the market value for wet land was fixed at Rs.5,000/- per Are. Accordingly, the appeal was allowed.

2. Both wet land and dry land have been acquired from the petitioners. According to the petitioners, the appeals against Exts.A1 and A2 judgments relied on in the Awards that were under challenge in the appeal had been dismissed by this Court. The said appeals had been filed by the State. Therefore, the Awards had become final. In view of the above, there was no justification for a modification of the land value

fixed by the Land Acquisition Court. However, without being informed of the fact that the earlier appeals filed by the State had been dismissed, we had allowed the appeal filed by the State. According to the learned counsel for the review petitioners, our judgment requires to be reviewed and set aside.

3. We have heard Sri. P. Sreekumar, who appears for the petitioners as well as the learned Senior Government Pleader who appears for the Respondent State.

4. We find that, the contentions put forward by the petitioners are correct. It is true that appeals filed against Exts.A1 and A2 judgments relied on in the impugned Award had been dismissed by this Court. It was without noticing the said fact that the judgment sought to be reviewed was rendered. Therefore, there is an error apparent on the face of the record which requires to be corrected.

5. For the above reasons, this review petition is allowed. The judgment dated 25.08.2009 in L.A.A. No.441 of 2004 is reviewed and set aside. Post the Land Acquisition Appeal for hearing before the regular Court as per roster.

6. Since we have allowed the review, finding that it was due to an omission on the part of the Court that the judgment happened to be pronounced, the court fee paid in this Review Petition shall be refunded to the learned counsel for the petitioner.

Sd/-
**K. SURENDRA MOHAN
JUDGE**

Sd/-
**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-
19.11.2015