

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

RPNo. 215 of 2015 ()

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(AGAINST THE JUDGMENT IN WP(C).NO. 34611/2014 DATED 19-12-2014)  
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REVIEW PETITIONER(S)/RESPONDENTS IN WP(C) :  
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1. THE DISTRICT COLLECTOR,  
COLLECTORATE, ALAPPUZHA.
2. THE DEPUTY DIRECTOR OF FISHERIES,  
OFFICE OF THE DEPUTY DIRECTOR OF FISHERIES,  
DEPARTMENT OF FISHERIES, BISMILLAH COMPLEX,  
BUILDING NO.AMC XX/57, ALAPPUZHA.
3. THE DIRECTOR OF FISHERIES, DIRECTORATE OF FISHERIES,  
VIKAS BHAVAN, THIRUVANANTHAPURAM.
4. THE STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
FISHERIES DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SMT. M.T.SHEEBA

RESPONDENT(S)/PETITIONERS IN WP(C) :  
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1. RAJAN.K., S/O.KRISHNAN, THEKKEPURATHU,  
THARAYIL KADAVU, VALIYAZHEEKAL.P.O.,ALAPPUZHA.
2. THANKAPPAN, S/O.MADHAVAN, THANKAVILASOM,  
THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
3. PADMAJAN, S/O.PADMANABHAN, PADMAVILASOM,  
THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
4. ULLAS, S/O.AMBUJAKSHAN, KALAYKAL, THARAYIL KADAVU,  
VALIYAZHEEKAL.P.O., ALAPPUZHA.
5. DHARMASUTHAN, S/O.SOOLAPANI, THANDASSERIL,  
THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
6. DHARMARAJAN, S/O.KOCHU, PUTHENPARAMBU,  
THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.

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7. SIVADASAN, S/O.PADMANABHAN, KANDATHI KIZHAKKATHIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
8. NADARAJAN, S/O.SASIDHARAN, SUNDARASSERIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
9. SHISHULAL, S/O.SHISHUPALAN, PRATTEKATH, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
10. RAMACHANDRAN, S/O.PALANIKKUTTY, ALTHARAMOOTTIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
11. SHIJU, S/O.SUKUMARAN, KUNNEL, VALIYAZHEEKAL.P.O., ALAPPUZHA.
12. BABOOJI, S/O.MADHAVAN, ALTHARAMOOTTIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
13. REGHU, S/O.VELUTHAKUNJU, SREEMANDIRAM, VALIYAZHEEKAL.P.O., ALAPPUZHA.
14. REJIMON, S/O.KRISHNAN, KODUVAKATTIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
15. THAMIJU, S/O.THAMARAN, KALLASSERIL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.
16. LALY, S/O.SUGUNAN, NEDIYATH, VALIYAZHEEKAL.P.O., ALAPPUZHA.
17. SREEDHARAN, S/O.KARUTHAKUNJU, MANNUMPURATH, VALIYAZHEEKAL.P.O., ALAPPUZHA.
18. BINUMON.M.S., S/O.SREEDHARAN, KUNNUMPURATH, VALIYAZHEEKAL.P.O., ALAPPUZHA.
19. UDAYAN,S/O.ANANDAN, PUTHENMANNEL, THARAYIL KADAVU, VALIYAZHEEKAL.P.O., ALAPPUZHA.

R1 TO R19 BY ADV. SRI.M.R.ARUNKUMAR  
SRI.P.SHAMMI NAVAS

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD  
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED  
THE FOLLOWING:

sts

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**APPENDIX**

**PETITIONER'S ANNEXURES:**

- ANNEX 1      COPY OF THE MINUTES OF THE MEETING HELD ON 05/01/2012 IN THE  
CHANMBER OF THE DISTRICT COLLECTOR, ALAPPUZHA**
- ANNEX II      COPY OF THE LIST OF BENEFICIARIES PREPARED**
- ANNEX III      COPY OF THE MINUTES OF THE COMMITTEE DATED 25/02/2012**
- ANNEX IV      COPY OF THE MINUTES OF THE MEETING HELD ON 13/11/2014**

**RESPONDENT'S ANNEXURES:                      NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A. MUHAMED MUSTAQUE, J.**

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**R. P. No. 215 of 2015**  
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**Dated this the 14<sup>th</sup> day of July, 2015**

**ORDER**

This Review Petition is filed at the instance of the State, aggrieved by the direction of this Court to consider Ext.P6 representation in the light of Ext.P5 issued by the District Collector, Alappuzha.

2. The matter is relating to the compensation payable to the persons whose Chinese fish nets were removed for the development of National Waterway in Kayamkulam Kayal.

3. Petitioners had approached this Court in WP(C) No.5584/2014. This Court directed the District Collector, Allapuzha to consider petitioners' grievances. Thereafter in the exercise done by the District Collector, 19 persons who were originally included have been removed and in their place petitioners are substituted.

4. Therefore this Court by judgment under review ordered the 2<sup>nd</sup> respondent to consider the payment of compensation in the light of the order passed by the District Collector pursuant to the direction in WP(C) No.5584/2014.

5. The District Collector took the decision on 02.09.2014. The review is essentially on the ground that, there was a decision by the

Government Level on 13.11.2014 and in this proceedings the District Collector, Alappuzha had also taken part and a decision was taken as to the manner in which the compensation has to be disbursed. Therefore it is a case of the State that, that decision has superceded the decision of the District Collector. Since this matter was disposed of at the admission stage, that matter could not be brought to attention of the Court.

6. The learned counsel for the review petitioner submits that, the decision of the Government has nothing to do with the decision of the Collector. Essentially the question is whether the decision of the government is having a bearing on the decision of the Collector, is a matter to be considered. Since that issue has not been considered, I am of the view that the judgment is required to be reviewed.

Accordingly, the review petition is allowed and the writ petition is restored. Put the mater before the bench having roster to hear the matter.

Sd/-

**A. MUHAMED MUSTAQUE, JUDGE.**

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