

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936**

**RPNo. 275 of 2015 ()**

**(AGAINST THE JUDGMENT IN WP(C).NO. 34494/2014 DATED 15-01-2015)**

**REVIEW PETITIONER(S)/RESPONDENTS 1-5, 7 & 8 IN THE WP(C) :**

1. STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,  
GOVERNMENT OF KERALA, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
2. THE DISTRICT COLLECTOR, ALAPPUZHA,  
ALAPPUZHA DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, CHENGANNUR,  
ALAPPUZHA DISTRICT.
4. THE ADDITIONAL THAHSILDAR TALUK OFFICE,  
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.
5. THE VILLAGE OFFICER, MULAKUZHA VILLAGE,  
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.
6. THE PRINCIPAL SECRETARY, INDUSTRIAL DEPARTMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
7. SENIOR GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,  
ALAPPUZHA DISTRICT-688 001

**BY GOVERNMENT PLEADER SRI.K.C.VINCENT**

**RESPONDENT(S)/PETITIONER AND 6TH RESPONDENT IN WP(C) :**

1. VIJAYA HARIPRASAD,D/O.VELAYUDHAN,  
MAMBRA KIZHAKETHIL, CHERIYANAD.P.O.,  
CHERIYANADU, CHENGANOOR TALUK, ALAPPUZHA DISTRICT.
2. THE SECRETARY, MULAKUZHA GRAMA PANCHAYATH,  
CHENGANOOR TALUK, ALAPPUZHA DISTRICT-689 121

**BY SRI.AJITH MURALI**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION  
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**P.R. RAMACHANDRA MENON, J.**

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R.P. No. 275 of 2015  
in  
W.P.(C). No. 34494 of 2014

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Dated this the 17<sup>th</sup> day of March, 2015

**ORDER**

The learned Government Pleader points out that the writ petition was disposed of granting the relief, enabling removal of ordinary earth to an extent of 13056 M<sup>3</sup> by directing the Geologist to issue necessary P-Forms to the said extent. It is pointed out that the report in support of the case projected by the petitioner was submitted by the Revenue authorities with reference to the Rule 57 of the KMMC Rules and not with reference to Rule 8(1B) of the KMMC Rule, 1967. It is further pointed out that the building permit obtained by the petitioner was only on 14.10.2014 and as such, there is an error apparent on the face of record, which hence is sought to be reviewed.

After hearing both the sides, this Court finds that the matter requires to be reconsidered. In the said circumstance, the Review Petition stands allowed. The judgment dated 15.01.2015 in W.P.(C). No. 34494 of 2014 stands recalled. List the writ petition for 'Admission' on 23.03.2015.

**P.R. RAMACHANDRA MENON,  
JUDGE.**