

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

RP.No. 298 of 2015 (J)

AGAINST THE JUDGMENT IN WP(C).NO.30498/2014 DATED 18-11-2014.

REVIEW PETITIONER/RESPONDENTS 8 & 9:

- 1. N. SHAJAHAN, S/O. NUT MOHAMMED ABBAS,
PROPRIETOR, SHAJI TRADERS, MARKET ROAD,
MUNNAR DAILY MARKET, MUNNAR P.O.,
IDUKKI DISTRICT.**
- 2. ABDUL KAREEM,
S/O. ISMAIL, RESIDING AT SHYLA MANZIL,
NEAR PWD REST HOUSE, MUNNAR P.O.,
IDUKKI DISTRICT-685 612.**

BY ADV. SRI.LATHEESH SEBASTIAN.

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 7:

- 1. A. SANKAR, AGED 48 YEARS,
S/O. AYYANAR, RESIDING AT 1392, LEKSHMI,
SOUTH MUNNAR, DEVIKULAM, IDUKKI DISTRICT.**
- 2. ABDUL BARI,
S/O. IBRAHIM, PROVISION MERCHANT, MARKET ROAD,
MUNNAR DAILY MARKET, MUNNAR P.O., IDUKKI DISTRICT.**
- 3. STATE OF KERALA,
REPRESENTED BY SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 4. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, IDUKKI-685 612.**
- 5. THE CIRCLE INSPECTOR OF POLICE,
MUNNAR POLICE STATION, MUNNAR-685 612,
IDUKKI DISTRICT.**

- 6. THE SUB INSPECTOR OF POLICE,
MUNNAR POLICE STATION, MUNNAR-685 612,
IDUKKI DISTRICT.**
- 7. MUNNAR GRAMA PANCHAYAT,
MUNNAR P.O., IDUKKI DISTRICT,
REPRESENTED BY ITS SECRETARY, PIN-685 612.**
- 8. THE SECRETARY,
MUNNAR GRAMA PANCHAYAT, MUNNAR P.O.,
IDUKKI DISTRICT-685 612.**
- 9. TATA GLOBAL BEVERAGES LTD.,
(ERSTWHILE TATA TEA LTD.),
REPRESENTED BY ITS CHIEF MANAGER, REGIONAL OFFICE,
G.H. COMPOUND, MUNNAR P.O., IDUKKI DISTRICT-685 612.**

**R1 & R2 BY ADVS. SRI.M.RAMASWAMY PILLAI,
SMT.PREETHY R. NAIR.
R3 TO R6 BY GOVT. PLEADER SRI.EGGY N.ELIAS.
R9 BY ADVS. SRI.V.ABRAHAM MARKOS,
SRI.BINU MATHEW,
SRI.TOM THOMAS (KAKKUZHIYIL),
SRI.ABRAHAM JOSEPH MARKOS,
SRI.ISAAC THOMAS,
SRI.NOBY THOMAS CYRIAC.
BY ADV. SRI.GOPIKRISHNAN NAMBIAR.**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

RPNo. 298 of 2015 (J)

APPENDIX

PETITIONER'S ANNEXURES:- **NIL.**

RESPONDENT'S ANNEXURES:-

**ANNEXURE R7(1) COPY OF THE REPORT DATED 10/09/2015 OF THE
7TH RESPONDENT.**

//TRUE COPY//

P.S. TO JUDGE

rs.

P.B.SURESH KUMAR, J.

R.P.No. 298 of 2015

in

W.P(C)No.30498 of 2014

Dated this the 26th day of June, 2015

ORDER

This review petition is filed seeking review of the judgment in W.P.(C).No.30498 of 2014. The review petitioners are respondents 8 and 9 in the writ petition.

2. The review petitioners earlier preferred W.P.(C) No.17974 of 2014 alleging that the petitioners in the writ petition are conducting petty trades inside the private market run by the ninth respondent, obstructing the access to the shops run by them in the said market. The said writ petition was disposed of directing the Secretary of the local Panchayat to consider the representation submitted by

in

W.P(C)No.30498 of 2014

respondents 8 and 9 for redressal of their grievances before the Panchayat, after notice to the petitioners. W.P.(C) No.30498 of 2014 was filed later alleging that the direction issued by this Court in W.P(C) No.17974 of 2014 has not been complied with by the Panchayat and at the same time, steps are being taken by the Panchayat to displace the petitioners from the market as per Ext.P9 notice. When W.P (C)No.30498 of 2014 came up for hearing, the learned counsel for the Panchayat submitted that pursuant to the direction issued by this Court in W.P(C)No.17974 of 2014, separate places were allotted to the petitioners within the market in such a way as not to cause any obstructions to respondents 8 and 9 and since the petitioners have not moved to the places allotted to them, Ext.P9 notice impugned in the writ petition was issued. Since the petitioners asserted that they were not allotted any place, the writ petition was disposed of directing the Panchayath to

in

W.P(C)No.30498 of 2014

allot places to the petitioners in the market and with a further direction that on allotment of separate places, they shall move to the places allotted to them.

3. The review petition is filed by respondents 8 and 9 alleging that the submission made by the counsel for the Panchayat as recorded in the judgment in W.P(C) No.30498 of 2014 that separate places were allotted to respondents 1 and 2 pursuant to the directions issued by this Court in W.P. (C) No.17974 of 2014 was incorrect and as such, the judgment rendered based on the said incorrect submission is liable to be reviewed. According to the review petitioners, the petitioners are conducting trades in the market even after the disposal of the writ petition obstructing the access to the shops run by the review petitioners.

4. Heard the learned counsel on both sides.

5. The learned Standing Counsel for the Panchayat conceded that separate places were not allotted to

in

W.P(C)No.30498 of 2014

petitioners in compliance with the directions issued by this Court in W.P(C).No.17974 of 2014 and the contrary submission made before this Court at the time of disposal of W.P.(C).No.30498 of 2014 was due to a mistake. In so far as it is conceded that the submission made by the Panchayat on the basis of which the writ petition was disposed of was a mistaken submission, I am of the view that the judgment in the writ petition is liable to be reviewed.

In the result, the review petition is allowed and the judgment in W.P.(C) No.30498 of 2014 is recalled.

P.B.SURESH KUMAR, JUDGE.

Smm