

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

RP.No. 436 of 2015 () IN WA.237/2009

AGAINST THE JUDGMENT IN WA 237/2009 of HIGH COURT OF KERALA
DATED 14-01-2015

REVIEW PETITIONER/APPELLANT:-

PURAKKAD GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS/RESPONDENTS:-

1. S.RAMESAN
S/O.SREEDHARAN
BENEFICIARY COMMITTEE CONVENER OF GANDHI SMRITHIVANAM
WEEDS REMOVING COMMITTEE
PURAKKAD GRAMA PANCHAYATH, RESIDING AT KRISHNA PRIYA
PURAKKAD, AMBALAPPUZHA.
2. STATE OF KERALA
REPRESENTED BY THE SECRETARY
LOCAL ADMINISTRATION DEPARTMENT, GOVT. SECRETARIAT
TRIVANDRUM - 695 001.
3. THE DISTRICT COLLECTOR
COLLECTORATE, ALAPPUZHA - 688 001.
4. PROJECT OFFICER
DISTRICT RURAL DEVELOPMENT AGENCY
ALAPPUZHA - 688 001.

R2 TO 4 BY GOVERNMENT PLEADER SHRI M.A.FAYAZ
R1 BY SRI.MANOJ RAMASWAMY

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 05-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & ANIL K.NARENDRAN, JJ.

Review Petition No.436 OF 2015

in

Writ Appeal No.237 OF 2009

DATED THIS THE 5TH DAY OF AUGUST, 2015

ORDER

ANIL K.NARENDRAN, J.

The review petitioner is the appellant in W.A.No.237/2009 arising out of W.P.(C)No.10311/2006. The said Writ Petition was filed by the 1st respondent herein, seeking a writ of mandamus commanding the District Collector, Alappuzha and the Project Officer, District Rural Development Agency, Alappuzha, the 3rd and 4th respondents herein, to discharge the obligations arising out of Ext.P3 agreement dated 21/4/2003 executed with the 4th respondent and seeking a writ of mandamus commanding the Panchayat to release the cash component of the work to the tune of ₹7,68,683/- as reported in Ext.P4 assessment report submitted by the Assistant Executive Engineer LSGD (WR), Ambalappuzha Block Panchayat.

2. The learned Single Judge by judgment dated 7/11/2008

disposed of the said Writ Petition, directing the Panchayat to release to the 1st respondent herein the cash component for the work done, as admitted under Ext.P4 assessment report of the Assistant Executive Engineer concerned, within a period of one month from the date of receipt of a copy of the judgment. The 3rd respondent herein was further directed to consider and take action on Ext.P6 representation dated 9/7/2005, within two months from the date of receipt of a copy of the judgment.

3. Aggrieved by the judgment of the learned Single Judge, the petitioner has filed W.A.No.237/2009. By judgment dated 14.1.2015, W.A.No.237/2009 was dismissed holding that the judgment of the learned Single Judge in directing the Panchayat to release the 1st respondent herein the cash component of the work done, as admitted under Ext.P4 assessment report of the Assistant Executive Engineer concerned, and further directing the 3rd respondent to consider and take action on Ext.P6 representation, warrants no interference.

4. Now the Panchayat has filed this Review Petition contending that, the judgment of this Court dated 14.1.2015 in

W.A.No.237/2009 suffers from apparent error on the face of the record and hence calls for review.

5. We heard the arguments of the of the learned Standing Counsel for the review petitioner, learned Senior Counsel for the 1st respondent-writ petitioner and also the learned Government Pleader appearing for the official respondents.

6. After arguing for some time, the learned Standing Counsel for the Panchayat confined his argument to the extent of making a clarification of the judgment under review, to the effect that the direction contained therein is to release the cash component for the 1st phase of the work undertaken by the 1st respondent herein as Convenor of a beneficiary committee constituted under the Sampoorna Gramin Rozgar Yojana (SGRY). When this submission was made, the learned Senior Counsel appearing for the 1st respondent-writ petitioner would point out that by confirming the judgment of the learned Single Judge, this Court has only directed the Panchayat to release the cash component in respect of the 1st phase of work.

In such circumstances, this Review Petition is disposed of clarifying that by confirming the judgment of the learned Single Judge, this Court has only directed the Panchayat to release the cash component in respect of the 1st phase of work.

Sd/-
ANTONY DOMINIC,
JUDGE

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn