

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

RP.No. 462 of 2015 (T) IN WP(C).33551/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 33551/2014 of HIGH COURT OF KERALA

REVIEW PETITIONER(S)/REVIEW PETITIONER/6TH RESPONDENT IN THE WRIT PETITION:

KUNJAN K.,
KOMMAT HOUSE, P.O. THAZHATOR, CHEERAL,
WAYANAD DISTRICT 673 595.

BY ADVS.SMT.A.K.PREETHA
SRI.C.ANIL KUMAR

RESPONDENT(S)/RESPONDENT/PETITIONER AND RESPONDENT 1 TO 5 AND 7:

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- 1. V.T.SUNNY,**
VALIANIRAPIL HOUSE, P.O CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT - 673 122.
 - 2. K.H ABBAS,**
KALLIDAMBAN HOUSE, CHEERAL, SULTHAN BATHERY,
WYNAD DISTRICT 673 122.
 - 3. M MOHANAN,**
MANGATTIL HOUSE, CHEERAL,
SULTHAN BATHERY, WYNAD DISTRICT 673 122 .
 - 4. MOIDEEN MUTHATT,**
MUTHATT HOUSE, CHEERAL,
SULTHAN BATHERY, WYNAD DISTRICT 673 122.
 - 5. THE STATE OF KERALA,**
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 .
 - 6. THE COMMISSIONER OF CIVIL SUPPLIES,**
THIRUVANANTHAPURAM-695 001.
 - 7. THE DISTRICT SUPPLY OFFICER,**
CIVIL STATION P O, KALPATTI , WYNAD DISTRICT - 673 122.
 - 8. THE TALUK SUPPLY OFFICER,**
SULTHAN BATHERY, WYNAD DISTRICT-673 592.

9. THE DISTRICT COLLECTOR,
WYNAD , CIVIL STATION, KALPETTA,
WYNAD DISTRICT 673 122.

10.N PARVATHY,
KOMMAT HOUSE P O, THAZHATOR, CHEERAL,
WYNAD DISTRICT - 673 595 .

R5 TO R9 BY SRI.ABHIJITH LESSLI
R BY SRI.P.J.MATHEW

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 20-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DG

THOTTATHIL B.RADHAKRISHNAN,J.

R.P.No.462 of 2015 & C.M.Appl.No.179 of 2015
in
W.P.(C).No.33551 of 2014

Dated this the 20th day of August, 2015

ORDER

1. Heard the learned counsel for the review petitioner and the learned counsel for the contesting respondents on the C.M.Application and on the review petition.
2. The application seeking review is supported by an application seeking condonation of delay of 111 days in institution of application for review.
3. The review petitioner was the 6th respondent in W.P.(C). No.33551 of 2014. The judgment rendered therein is sought to be reviewed. That writ petition was decided on 8.1.2015. The review petition is fundamentally footed on Annexure I, which is the judgment in W.P.C.No.17812 of 2014 in which the review petitioner was the first petitioner. That writ petition was decided on 25.7.2014. The review petitioner did not put in issue the earlier judgment obtained by him in the second litigation. He had not raised any contention in W.P.C.No.33551 of 2014 based on the prior judgment dated 25.7.2014 issued in W.P.(C).No.17812

of 2014. There is nothing on the face of the judgment in W.P.(C). No.33551 of 2014 to indicate that the earlier judgment in W.P.(C).No.17812 of 2014 was brought to the notice of this Court while W.P.(C).No.33551 of 2014 was decided. Under such circumstances, it is not permissible, in jurisdiction on a review petition to reopen a judgment on the basis of materials which were not already available and which, with the effect of the later judgment, would have taken its course in accordance with law. No ground for review is made out. There is no error apparent on the face of the judgment sought to be reviewed. No relief can be granted on the basis of the earlier judgment which was obtained by the review petitioner who was a party to the later writ petition and had opportunity to put the earlier judgment in opposition of the later one. Under such circumstances, this review petition is bound to fail.

For the aforesaid reasons, the C.M.Application and the review petition are dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG