

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

RP.No. 674 of 2015 () IN LA.App..2251/2008

AGAINST THE ORDER/JUDGMENT IN LA.App. 2251/2008 of HIGH COURT
OF KERALA DATED 02-03-2012

REVIEW PETITIONER(S)/APPELLANTS:

1. KIDAKKADAN CHEKKUTTY
S/O MUHAMMED KUTTY, KUMMINI PARAMBA, PALLIKKAL
MALAPPURAM DISTRICT.
2. KIDAKKADAN ABDUL GAFOOR
S/O MUHAMMED KUTTY, KUMMINI PARAMBA, PALLIKKAL
MALAPPURAM DISTRICT.
3. KIDAKKADAN ABDUL NAZAR
S/O MUHAMMED KUTTY, KUMMINI PARAMBA, PALLIKKAL
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/RESPONDENT:

THE DISTRICT COLLECTOR
MALAPPURAM, PIN - 676 505.

BY ADV.ALOSIOUS THOMAS, GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN
&
A.V.RAMAKRISHNA PILLAI, JJ.

R.P.No.674 of 2015
in
L.A.A.No.2251 of 2008

Dated this the 23rd day of September, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

- 1.Heard the learned counsel for the review petitioners and the learned Government Pleader for the respondent.
- 2.The application seeking review of the judgment is filed pointing out that the claimants' appeal could not have been dismissed merely on the ground that the appeal by the State Government was dismissed earlier.
- 3.We have perused the judgment in L.A.A. No.1694 of 2007 which was the appeal by the State. That was rendered on a submission made by the learned senior Government Pleader that the issue raised therein is covered against the Government by the judgment in L.A.A. No.1232 of 2008. Obviously

therefore, the decision in L.A.A. No.1694 of 2007 is only to the effect that the land value already fixed and the compensation granted cannot be reduced adverse to the interest of the claimants. It does not have the effect of rendering a corollary view that the claimants' appeal could not and ought not to have been considered and decided on its merits as regards the claim for enhancement. No doctrine of merger stands against the claimants in the case in hand. We see that there is an error apparent on the face of the record of the judgment sought to be reviewed, in this regard. Therefore, the review petition succeeds.

In the result, this review petition is allowed and the judgment dated 02.03.2012 in L.A.A. No.2251 of 2008 is reviewed and recalled. The appeal will be listed for hearing, accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(A.V.RAMAKRISHNA PILLAI, JUDGE)