

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

RPNo. 720 of 2015 (K)

WP(C) 14907/2015 of THIS HONOURABLE COURT

REVIEW PETITIONERS/RESPONDENTS 2 &3 :

1. K.K.SAINUDEEN, S/O PATHUTTY,
ROOM NO.12/791, NEAR QUALITY BAKERY,
CHIRAKKARA P.O., KANNUR DISTRICT-670104.
2. K.K. MANOHAR DAS,
S/O KUNMHIRAMAN NAIR, VAYHALIL HOUSE,
P.O. WEST PONNYAM, THALASSERY,
KANNUR DISTRICT-670 101.

**BY ADVS.SRI.R.PARTHASARATHY
SMT.SEEMA**

RESPONDENTS/PETITIONER AND RESPONDENTS 1 &4 :

1. K.K.HASHIM, AGED 62 YEARS,
S/O MOIDEENKUTTY HAJI, THAQWA, NEAR ANGADI PALLY,
NEW MAHI-673 311, KANNUR DISTRICT.
2. THE SECRETARY
THALASSERY MUNICIPALITY, MUNICIPAL OFFICE,
THALASSERY-670 101, KANNUR DISTRICT.
3. RAHOOF P.P.,
S/O ABDUL RAHIMAN, SHUKKARBATH, CHIRAKKARA P.O.,
KANNUR DISTRICT-670 104.

**BY SRI.C.P. PEETHAMBARAN
BY SRI.I.V.PRAMOD**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE A1:** LEASE DEED DT 6/2/1994 EXECUTED BY THE 2ND REVIEW PETITIONER.
- ANNEXURE A2:** LEASE DEED DT 5/11/1997 EXECUTED BY THE 2ND REVIEW PETITIONER.
- ANNEXURE A3:** COPY OF A CERTIFICATE ISSUED BY ASSISTANT EXECUTIVE ENGINEER OF PUBLIC WORK DEPARTMENT KANNUR DT 19/10/2012.
- ANNEXURE A4:** PHOTOGRAPH OF THE SHOP ROOMS.
- ANNEXURE A5:** COPY OF THE PLAINT FILED BEFORE THE MUNSIF COURT IN O.S. 294/2013.
- ANNEXURE A6:** COPY OF THE APPLICATION FOR WITHDRAWAL OF THE SUIT.
- ANNEXURE A7:** COPY OF THE JUDGMENT PASSED BY MUNSIF COURT, THALASSERY IN OS 294/2013.
- ANNEXURE A8:** COPY OF THE RECEIPT FOR PAYMENT OF LICENSE FEE FOR THE YEAR 2014-2015. ISSUED TO THE MOTHER OF THE 1ST REVIEW PETITIONER, DT 1/3/2014.
- ANNEXURE A9:** COPY OF THE RECEIPT FOR PAYMENT OF LICENSE FEE FOR THE YEAR 2014-15 DT 26/2/2014 ISSUED TO THE 1ST REVIEW PETITIONER.
- ANNEXURE A10:** COPY OF THE ORDER PASSED IN IA 369 IN OS 96/2015.
- ANNEXURE A11:** COPY OF THE ORDER PASSED BY THE MUNSIF COURT IN IA 1046/2015 IN OS 156/2015 DT 10/3/2015.
- ANNEXURE A12:** COPY OF THE NOTICE RECEIVED BY THE PETITIONERS DT 7/8/2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

C.M.Appl.No.279 of 2015
&
W.P.(C) No.14907/2015 in
R.P.No.720 of 2015

Dated this the 17th day of August, 2015.

ORDER

The review petition is filed at the instance of respondents 2 and 3 on the ground that the notice on the writ petition has not been served on them. I have verified the judges papers in W.P.(C) No.14907/2015. Though it is true that the notice has been ordered against the respondents by special messenger on 21.5.2015, it appears that the notice has been served only on first respondent and the service on R2 to R4 are incomplete. As the order impugned has been passed without affording the petitioner, an opportunity of being heard, the same has to be recalled.

In the light of the above, C.M.Application is allowed and the delay is condoned. The Review Petition is allowed and the judgment is recalled.

Post the writ petition for hearing.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.