

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

RP. No. 1045 of 2015 (L) IN WP(C).5558/2009

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AGAINST THE ORDER/JUDGMENT IN WP(C) 5558/2009 of HIGH COURT OF KERALA
DATED 30-09-2015**

REVIEW PETITIONER(S)/ADDL. 3RD RESPONDENT IN THE W.P(C):

**THE KERALA INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION,
REP BY ITS MANAGING DIRECTOR, KINFRA HOUSE, ANNEXE,
T C NO 9/2585, ELANKAM GARDENS, VELLAYMBALAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT(S)/PETITIONERS & RESPONDENTS 1 & 2 IN THE W.P(C):

- 1. C.R VASUDEVAN,
25 , BASANT GARDEN, SION TROMBAY ROAD,
CHEMBUR, MUMBAI 400071, (CHOKKATHU HOUSE
DIWAN NARAYANAN MENON ROAD, THRISSUR)**
- 2. BABY VASUDEVAN,
25 , BASANT GARDEN, SION TROMBAY ROAD,
CHEMBUR, MUMBAI 400071, (CHOKKATHU HOUSE
DIWAN NARAYANAN MENON ROAD, THRISSUR)**
- 3. THE SECRETARY,
INDUSTRIES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001**
- 4. SPECIAL TAHSILDAR,
LAND ACQUISITION (GENERAL)THRISSUR 680001.**

**BY SENIOR GOVERNMENT PLEADER SRI.K.K.SAIDALAVI
BY SENIOR ADVOCATE SRI.PAUL ABRAHAM VAKKANAL**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 20-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

KRJ

A.V.RAMAKRISHNA PILLAI, J.

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R.P No.1045 of 2015 in
W.P(C) No.5558 of 2009

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Dated this the 20th day of November, 2015

ORDER

The additional third respondent in the writ petition is in review.

2. According to the review petitioner, there is error apparent on the face of the record as the judgment did not consider the provisions of law regarding the claim for re-conveyance of the property acquired and taken possession from the petitioners in the writ petition pursuant to the land acquisition proceedings.

3. Arguments have been heard.

4. It was submitted by the learned counsel for the review petitioner that the decisions cited by the review petitioner did not find a place in the judgment and, therefore, it appears that those judgments were not referred to. In fact, the review petitioner has cited the decisions of the Apex Court in **Government of A.P and Another v. Syed Akbar** [(1997) SCC 432], **State of Kerala v. M. Bhaskaran Pillai** [(1997) 5 SCC 432], **Northern Indian Glass Industries v. Jaswant Singh** [2003 (1) KLT SN Page 59 (C. No.83)] and **Anand Buttons Ltd. v. State of Haryana and Others** [(2005) 9 SCC 164].

5. However, those judgment were not specifically made mention of in the judgment because of the inapplicability and irrelevancy of those decisions to the fact situation in this case. The main reason for the final verdict is on account of the observation in Ext.P14 judgment which was not at all challenged by any of the respondents therein.

6. In fact, this review petition is nothing, but an appeal in disguise and, therefore, this Court is not inclined to entertain the same. The proper remedy available to the review petitioner is to approach the appellate forum if he is aggrieved by the judgment.

In the result, the review petition is closed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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P.A to Judge