

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

RP.No. 1090 of 2015 ()

WA 2041/2015 of THIS HONOURABLE COURT

PETITIONERS/APPELLANTS/PETITIONERS :

- 1. M.M.JEEVAN, AGED 63 YEARS,
S/O.P.K.MADHAVAN, RESIDING AT ARUNA HOUSE,
PERUMBAYIKKAD.P.O, NEELIMANGALAM, KOTTAYAM-28.**
- 2. SUSHMAJEEVAN, AGED 55 YEARS, W/O.JEEVAN,
RESIDING AT ARUNA HOUSE, PERUMBAYIKKAD.P.O.,
NEELIMANGALAM, KOTTAYAM-28.**

BY ADV. SRI.K.JAGADEESCHANDRAN NAIR

RESPONDENTS/RESPONDENTS/RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
TO GOVERNMENT OF KERALA
THIRUVANANTHAPURAM-695001.**
- 2. THE DISTRICT COLLECTOR,
KOTTAYAM-686002.**
- 3. SPECIAL TAHSILDAR,
LAND ACQUISITION, KOTTAYAM-686002.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER,
BRIDGES SUB DIVISION, PWD, KOTTAYAM-686002.**

R1 TO R4 BY SENIOR GOVERNMENT PLEADER SRI.C.S. MANILAL

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

ASHOK BHUSHAN, CJ
&

A.M.SHAFFIQUE, J.

Review Petition No.1090 of 2015
in W.A.No.2041 of 2015

Dated this the 23rd day of November 2015

O R D E R

Ashok Bhushan, CJ

This review petition has been filed praying for review of the judgment dated 14/10/2014 in W.A.No.2041 of 2015. Sri.K.Jagadeesachandran Nair, learned counsel for the review petitioner has made two submissions. It is submitted that the judgment of the Apex Court in **Sree Balaji Nagar Residential Association v. State of Tamil Nadu** [2015(3) SCC 353] covers the issue. He further submits that the application made by the petitioner to the District Collector for making reference under Section 18 of the Land Acquisition Act has been rejected and it was clarified that it is open for the petitioner to take such steps against the order, as permissible under law.

2. We have considered the submission of the learned counsel for the parties and perused the records. The judgment in

Sree Balaji Nagar Residential Association (supra), on which the learned counsel for the review petitioner now places reliance, has already been noted and considered by us in paragraph 23 of the judgment in W.A.No.2041/2015. After noticing the Apex Court judgment and considering the submission, we have interpreted the 2nd proviso to Section 24(2) of the 2013 Act. We do not find any error apparent on the judgment so as to admit any ground for review of the judgment.

3. In so far as the 2nd submission of the learned counsel for the review petitioner that it may be clarified that the petitioner is free to challenge the order of the District Collector rejecting his representation for reference, in the writ petition, we had only considered the prayer of the petitioner as to whether this Court, in exercise of jurisdiction under article 226 of the Constitution of India, can extend the time for reference under Section 18 of the Act. We have rejected the statement and held that Court cannot extend the time. The order of the District Collector, which now is being referred, was not for consideration in the writ petition nor was the subject matter of the issue. The petitioner is free to take

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such steps against the said order, as permissible under law.

Subject to the above observation, this review petition is
dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/23/11/2015

True Copy

PA to Judge