IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

RP NO. 405 OF 2025

AGAINST THE JUDGMENT DATED 13.02.2024 IN WA NO.198 OF 2024 OF HIGH COURT OF KERALA

REVIEW PETITIONER(S):

1 KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR 'JALA BHAVAN', VELLAYAMBALAM THIRUVANANTHAPURAM, PIN - 695033

2 THE CHIEF ENGINEER
OFFICE OF THE CHIEF ENGINEER, KERALA WATER AUTHORITY, CENTRAL REGION P.A SAYED MOHAMMED MEMORIAL BUILDING HOSPITAL ROAD, ERNAKULAM, PIN - 682011

3 THE SUPERINTENDING ENGINEER
OFFICE OF THE SUPERINTENDING ENGINEER KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE HOSPITAL ROAD, ERNAKULAM, PIN - 682011

4 THE EXECUTIVE ENGINEER
OFFICE OF THE EXECUTIVE ENGINEER KERALA WATER AUTHORITY WATER SUPPLY DIVISION PAPPALI LANE, MARKET ROAD, ERNAKULAM NORTH P.O, PIN - 682018

5 THE ASSISTANT ENGINEER
OFFICE OF THE ASSISTANT ENGINEER KERALA WATER

AUTHORITY WW SECTION NO: 3 PALLIMUKKU, ERNAKULAM, PIN - 682016

BY ADV GEORGIE JOHNY

RESPONDENT(S):

1 **KALYAN MARVELLA APARTMENT OWNERS ASSOCIATION 'KALYAN MARVELLA', GIRINAGAR KADAVANTHARA, ERNAKULAM, (AN ASSOCIATION REGISTERED UNDER THE TRAVANCORE-COCHIN LITERARY, SCIENTIFIC AND CHARITABLE SOCIETIES REGISTRATION ACT, 1955) REPRESENTED BY ITS SECRETARY MR. BALAMURALI. M, AGED 52 YEARS, SON OF G. VARIJAKSHAN, RESIDING AT 7B 'KALYAN MARVELLA' GIRINAGAR, KADAVANTHARA, ERNAKULAM., PIN - 682020**

2 **KALYAN DEVELOPERS
TC 35/ 1403, SREEKRISHNA BUILDING, WEST PALACE ROAD, VADAKKECHIRA DESOM, THIRUVAMBADY P.O,THRISSUR, (A PARTNERSHIP FIRM REPRESENTED BY ITS MANAGING PARTNER KARTHIK RAMANI),, PIN - 680022**

3 **SECRETARY
CORPORATION OF KOCHI, PIN - 682011**

BY ADV K. JANARDHANA SHENOY

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O R D E R

Dated this the 10th day of April 2025

NITIN JAMDAR, C.J.

Heard Mr. Georgie Johny, learned Standing Counsel appearing for the Kerala Water Authority.

2. This Review Petition is filed along with an application for condonation of delay in respect of the judgment delivered by the Division Bench of this Court dated 13 February 2024 in W.A.No.198/2024. The appeal arose from an interim order passed by the learned Single Judge directing the Appellant Authority to grant drinking water connection to the Petitioners pending the writ petition. The writ petition is still pending before the learned Single Judge.

3. We are informed that pursuant to the interim order, water connection has already been given to the Original Petitioners. The learned counsel for the Review Petitioner submits that however the interim order passed by the learned Single Judge having been confirmed by the Division Bench of this Court, judgment of the Division Bench being cited as a precedent in law against the Authority for direction to provide drinking water connection irrespective of any other legal position. Therefore, a review is sought of the judgment dated 13 February 2024.

4. The appeal arose from an interim order. The judgment dated 13 February 2024 does not lay down the absolute proposition of law that legal provisions need not be looked at. As far as the present proceedings are concerned, the question of law does not arise as the water connection is already been provided and the order is acted upon. Since the judgment of Division Bench of this Court under review arose only from an interim order and is not a binding precedent on law, we do not deem it necessary to review the judgment dated 13 February 2024. All contentions of the parties are kept open to be heard in the pending writ petition.

5. Accordingly, both the application for condonation of delay and the Review Petition are disposed of.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

V.G.ARUN
JUDGE

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