

(2024) 03 KL CK 0052

In the High Court Of Kerala

Case No : Review Petition No.255 Of 2024 in Writ Petition (C) No.40963 Of 2023

Ramakrishnan .K.

APPELLANT

Vs

Prasad T.

RESPONDENT

Date of Decision : 06-03-2024

Acts Referred:

Citation : (2024) 03 KL CK 0052

Hon'ble Judges : Viju Abraham, J

Bench : Single Bench

Advocate : Arun Kumar.P, Thiyyannoor Ramakrishnan, Ambika Radhakrishnan, Kavya Suresh, Jasmine V.H., R.Rajpradeep, Rahmath C.A., Thomas P.Mathews, Sumayya K.B., Satheesh P. Mathews, Gilda Davis, Vishnu S, Deepa Narayanan

Final Decision : Disposed Of

Judgement

Viju Abraham, J

1. This review petition is filed seeking review of the judgment dated 19.12.2023 in W.P (C) No.40963 of 2023 essentially on the ground that the writ petition was disposed of without issuing notice to the 8th respondent who is the review petitioner. But a perusal of the judgment would reveal that this Court has directed the 3rd respondent to take a final decision in the matter after taking into consideration the contentions in Ext.P20 filed along with the writ petition and after giving a personal hearing to the writ petitioners and the 8th respondent. This Court has also issued a direction that construction of the house could be undertaken by the writ petitioners, but the same will be at their risk. The apprehension raised by the review petitioner is that in the guise of construction of residential house, the irrigation water chal is being filled up.

2. The learned counsel for the respondent Panchayat would submit that they have conducted an inspection and found that there is no obstruction to the irrigation water chal and the learned counsel for the writ petitioners would submit that they have no intention to encroach upon the irrigation water chal or

to cause any obstruction to the free flow of water.

Recording the abovesaid submission of the learned counsel for the writ petitioners the review petition is closed. It is made clear that the review petitioner will be free to produce all documents in support of his contentions at the time of hearing which is directed to be conducted by the 3rd respondent and the same shall duly be considered by the said respondent while taking a decision as directed in the judgment dated 19.12.2023.