
(2023) 06 KL CK 0331

In the High Court Of Kerala

Case No : Review Petition No. 607 Of 2023 n Writ Petition (C) No. 8045 Of 2023

Rockey V James

APPELLANT

Vs

Pothanikkad Grama Panchayat

RESPONDENT

Date of Decision : 22-06-2023

Acts Referred:

Kerala Panchayat Raj Act 1994 — Section 238

Citation : (2023) 06 KL CK 0331

Hon'ble Judges : Viju Abraham, J

Bench : Single Bench

Advocate : Latheesh Sebastian, S.Jiji, GGeorge Mathew

Final Decision : Disposed Of

Judgement

Viju Abraham , J

1. The above review petition arise from the judgment dated 10.04.2023 in WP(C) No.8045/2023. The review petitioner is the petitioner in the writ petition. The above writ petition was disposed of with the following directions. Paragraph 5 of the judgment is extracted below:

"Since the specific contention of the petitioner is that Ext.P1 was issued without hearing him, I am inclined dispose of the writ petition to treat Ext.P1 as a preliminary order and the respondent Panchayath is directed to re-hear the petitioner and issue fresh order in this regard. For an early disposal of the complaint preferred by the 3rd respondent, the petitioner as well as the 3rd respondent shall be present before the 2nd respondent on 24.04.2023. The petitioner is free to file his objections. After hearing the petitioner and the 3rd respondent, the 2nd respondent shall take a decision in this matter, within a period of one week, thereafter. The interim order granted by this Court on 09.03.2023 shall be in force, till a decision is taken by the 2nd respondent as directed above. "

2. The review petition has been filed taking a legal contention that going by

Section 238 of the Kerala Panchayat Raj Act, it is for the Panchayat Committee to take a decision in the matter and therefore the direction issued to the 2nd respondent who is the Secretary of Panchayat to finalise the proceedings is not in accordance with law.

3. I have heard the learned Counsel for the petitioner as well as the respondents in the review petition.

4. It is true that going by Section 238, a complaint in this regard shall be considered by the Village Panchayat and appropriate orders are passed on the complaint. Therefore, I am inclined to allow the review petition with a direction to the Panchayat Committee to re-hear the petitioner and shall take appropriate decision in the matter. The petitioner would be free to file his objection before the Panchayat Committee. For an early disposal of the complaint preferred by the 3rd respondent, the petitioner as well as the 3rd respondent shall be present before the Panchayat Committee on 30.06.2023 and after hearing the petitioner and the 3rd respondent, the Panchayat Committee shall take a decision in the matter and communicate the same to the parties within a period of one week thereafter. The interim order granted by this Court on 09.03.2023 will be in force till a decision is taken by the Panchayat Committee as directed above.

With the above said directions, the review petition is disposed of.