

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.03.2015

Coram

**THE HONOURABLE Mr. JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE Mr. JUSTICE M.VENUGOPAL**

Review Application No.19 of 2015

M/s.Sushen Constructions Private Limited,
Rep. By its Managing Director Mr.Venkatarangan
Having Office at Suite 2,
Sucons Sivagami Square,
No.147, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

... Petitioner/1st Respondent

V.

1.Salt Corporation of India,
Represented by its Commissioner,
2nd Floor, 2nd Block,
Shastri Bhawan,
No.26, Haddows Road,
Chennai – 600 006.

... 1st Respondent/Appellant

2.The Member Secretary,
The Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai.

3.The Collector,
Kancheepuram District,
Kancheepuram.

4.The Revenue Divisional Officer
Tambaram.

5.The Tahsildar,
Sholinganallur.

... Respondents 2 to 5/Respondents 2 to 5

Prayer: Review Application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code seeking to review the judgment dated 09.01.2015 in W.A.No.1043 of 2014.

For Petitioner : Mr.V.Gubendran
For M/s.Rank Associates

For Respondents 3 to 5 : Mr.N.Sakthivel

ORDER

(Order of the Court was made by M.VENUGOPAL, J.)

The Applicant/1st Respondent/Petitioner has preferred the instant Review Application before this Court as against the Judgment dated 09.01.2015 in W.A.No.1043 of 2014 passed by this Court.

2.The Learned Counsel for the Applicant submits that this Court in the Judgment in W.A.No.1043 of 2014 dated 09.01.2015 came to the conclusion that the 1st Respondent/Appellant should seek remedy only by approaching the Competent Civil Court, but had not fixed the time frame in this regard.

3.The Learned Counsel for the Applicant urges before this Court that since the 1st Respondent/Appellant would not be in a position to prove and establish its title over the land in dispute, they would only delay and postpone the act of approaching the Civil Court and they

would result in loss and hardship to the Applicant, unless the 1st Respondent/Appellant is compelled by an order by this Court in determining the time limit for this purpose.

4.Finally, it is the plea of the Learned Counsel for the Applicant that the Judgment passed by this Court in W.A.No.1043 of 2014 dated 09.01.2015 with a view to safeguard the interest of both parties should contain a time limit for the 1st Respondent/Appellant to file a civil suit if they wish to do so and therefore, in the interest justice, the Review Application is to be allowed by this Court.

5.At this stage, this Court aptly points out that in the Judgment in W.A.No.1043 of 2014 dated 09.01.2015 in paragraphs 14 to 16 had observed the following:

"14.In the light of respective contentions advanced on either side and also this Court taking note of the divergent stand taken by the parties especially in regard to a candid fact that there being a dispute in regard to the ownership of property, then this Court comes to an inescapable conclusion that the dispute/controversy is to be resolved in a complete and comprehensive fashion by the competent Civil Court and further it is for the competent Civil Court to decide the title issue of the land in question in an independent, Objective, Fair, Just and

dispassionate manner uninfluenced with any of the observations made by this Court in the present Writ Appeal and the observations made by the Learned Single Judge in W.P.No.19026 of 2011.

15. Viewed in that perspective, this Court resultantly holds that the first limb of the order passed by the Learned single Judge in W.P.No.19026 of 2011 dated 30.04.2014 in directing the 2nd Respondent/CMDA (1st Respondent in the Writ Petition) to process the 1st Respondent/Petitioner's application for grant of planning permission to lay house sites in S.No.337/12C is not a legally valid and proper one in the eye of Law and sets aside the same in furtherance of substantial cause of justice.

16. In so far as the issue of title in respect of the land in question, liberty is granted to the Appellant/5th Respondent (Salt Corporation of India) to work out its remedy before the competent Civil Court in the manner known to Law and in accordance with Law by filing a necessary civil suit, if it so desires/advised. Also, it is open to the respective parties to raise all factual and legal pleas before the competent Civil Court and in this regard, the competent Civil Court is directed to provide adequate opportunities, of course by adhering to the principles of natural justice."

6.It is to be borne in mind that a 'Court of Review' has limited jurisdiction. Further, 'Review' is not an Appeal in disguise. Also that, a Review does not lie where there is no error apparent on the face of

record. Moreover, 'Review' literally and even judicially means re-examination or re-consideration 'an error apparent on the face of record is one which strikes on a mere looking on record', without requiring any long drawn process of reasoning.

7.It is to be pointed out that if a litigant is aggrieved by any Judgment which in his/its understanding has not been correctly decided as per Law or erroneously decided, such an argument may be projected before the Higher Forum in an Appeal, but not in a Review Petition, as opined by this Court. Added further, in the garb of Review, a Court of Law cannot hear a party afresh on the merits of the case.

8.Be that as it may, in the present case on hand, in the Judgment in W.A.No.1043 of 2014 dated 09.01.2015, this Court, in so far as the issue of title in respect of land in question, granted liberty to the 1st Respondent/Appellant (Salt Corporation of India) to work out its remedy before the Competent Forum in the manner known to law and in accordance with law, by filing a necessary Civil Suit, if it so desires/advised. Also, this Court had observed that it was open to the respective parties to raise all factual and legal pleas before the competent Civil Court and in this regard, the Competent Civil Court

was directed to provide adequate opportunities, of course by adhering to the Principles of Natural Justice.

9. In view of the above, this Court comes to an irresistible conclusion that the plea of the Applicant that this Court, at the time of disposal of W.A.No.1043 of 2014 on 09.01.2015, ought to have fixed a time limit so as to enable the 1st Respondent/Appellant to approach the Competent Civil Court, cannot be a ground for seeking Review of the Judgment in question, since there is no error apparent on the face of record or for any other sufficient cause/reason, in the considered opinion of this Court. Viewed in that perspective, the Review Application is not maintainable *per se*. Consequently, the Review Application fails.

10. In the result, the Review Application is dismissed. No costs.

(S.K.A. J.) (M.V. J.)
05.03.2015

Index : Yes / No

Internet : Yes / No

Sgl

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AND**

M.VENUGOPAL,J.

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