IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Rev.Appln.No.111/2015 in WP.No.32645/2014

Mrs.Saraswathi .. Review Petitioner/4th respondent

Versus

1.K.Selvi .. 1st respondent/writ petitioner

2.The District Collector
Collector Office Compound
Salem 636001.

3.The Revenue Divisional Officer
Revenue Division Office,
Collector Office Compound
Salem 636001.

4.The Tahsildar
Tahsildar Office
Vazhapadi, Salem District. .. Respondents/Respondents 1 to 3

Review Application filed under Order 47 Rule 1 read with section 114 C.P.C., to review the order dated 27.02.2015 passed by this Court in WP.No.32645/2014.

For Review Petitioner : Mr.D.Baskar
For R1 : Mr.D.Vijay Anand
For RR 2 to 4 : Mr.R.Lakshmi Narayanan, AGP

ORDER

Heard Mr.D.Baskar, learned counsel for the review petitioner and Mr.D.Vijay Anand, learned counsel accepting notice for the 1st respondent and

Mr.R.Lakshmi Narayanan, learned Additional Government Pleader accepting notice for the respondents 2 to 4 and with their consent, the review petition is disposed of.

2.This review application has been filed to review the order and direction issued by this Court on 27.02.2015 made in WP.No.32645/2014. The said writ petition was disposed of by issuing the following direction:-

> "8.Accordingly, this writ petition is disposed of making it clear that the legal heirship Certificate issued in the name of the 4th respondent dated 19.06.2006 cannot be used by the 4th respondent for any purpose to establish that she is the sole legal heir to late Shanmugasundaram. The Civil Court while considering the civil suits which are pending or if any fresh proceedings are initiated shall decide the matter independently based on the oral and documentary evidence without being in any manner influenced by the observations made by the Revenue Officials."

3.Learned counsel for the review petitioner would submit that the petitioner has no grievance as against the direction issued in paragraph 8 of the order as mentioned above; but has certain reservations about the findings recorded in paragraph 4 of the order. The review petitioner appears to be aggrieved by the observation that the review petitioner has not challenged the findings rendered by the District Collector. It is the submission of the learned

counsel for the review petitioner that the same is an inter-departmental

communication, namely, a show cause notice issued to the Tahsildar and this cannot be a subject matter of challenge by the review petitioner/the 4th respondent.

4.In my view, on the grounds raised by the review petitioner, the order passed on 27.02.2015 need not be reviewed and in fact, there is no error apparent on the face of the record. As mentioned above, this Court while disposing of the writ petition made an observation that the civil court should consider the matter independently based on the oral and documentary evidence without being in any manner influenced by the observations made by the Revenue Officials. Therefore, this will sufficiently safeguard the interest of the review petitioner. However, this Court further observes that any findings rendered by this Court or the findings of the revenue officials, will not obviously prejudice the interest of the parties before the Civil Court.

5.With the above observation, the review application is dismissed. No costs.

12.08.2015

AP

T.S.SIVAGNANAM, J.,
AP

To

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2.The Revenue Divisional Officer
Revenue Division Office,
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3.The Tahsildar
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