IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.06.2015

Coram

The Hon'ble Mr. Justice **T.S. SIVAGNANAM**

R.A. No.85 of 2015

The Chairman,
Chennai Petroleum Corporation Ltd.,
536, Anna Salai,
Teynampet,
Chennai – 13. .. Petitioner

Vs

1.M.Subramani

2.The Secretary to Govt.,
Industries Department,
Fort St., George,
Chennai – 600 009.

3.The District Collector,
Tiruvallur District,
Tiruvallur.

4.The Special Tahsildar (L1 A)
Aromatics Comples (MRL),
Saidapet,
Chennai – 600 015. .. Respondents

Prayer:-The Review Application filed under Order 47 Rule (1) read with section 114 of CPC against the order dated 13.02.2015 passed in W.P.No.5469 of 2011.

For Petitioner .. Mr.R.Senthilkumar

For Respondents .. Mr.V.Raghupathi for R1

Mr.R.Lakshmi Narayanan AGP for RR2 to 4

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O R D E R

Heard the learned counsels appearing on either side and carefully perused the materials placed on record.

2. This Review Petition has been filed by the fourth respondent in the Writ Petition. The Writ Petition was filed by the first respondent herein praying for issuance of a Writ of Certiorarified Mandamus to quash the order cum endorsement made by the third respondent namely, Special Tahsildar (LA), Aromatiacs Complex (MRL), Chennai-600015, vide order dated 20.05.2010 and to direct the respondents to give the first respondent/writ petitioner the rehabilitation package given to the other similarly affected land owners in Vaikadu Village, Madhavaram Taluk, Thiruvallur District for the acquisition of their lands for the Review Petitioner/fourth respondent.

3. It is not in dispute that the Review Petitioner/fourth respondent did not enter appearance in the Writ Petition nor filed any

counter affidavit. The Writ Petitioner was heard by this Court and this Court tested the correctness of the order passed by the Special Tahsildar by which the Writ Petitioner was denied the relief package. After considering the counter affidavit and the stand taken by the Government, this Court allowed the Writ Petition by order dated 13.02.2015.

4. The learned counsel appearing for the Review petitioner after elaborately setting out the facts submitted that the order passed by this Court suffers from error apparent because relevant facts and documents including the minutes of the meeting held on 16.12.2002 under the Chairmanship of the District Collector, regarding the criteria of their eligibility for rehabilitation were not brought to the notice of the Court and therefore, could not be considered while adjudicating the Writ Petition. The other grounds are also on similar lines, apart from raising other factual contentions as to whether at all the Writ Petitioner is entitled for the relief package.

5. In my view the documents sought to be relied and the stand taken by the review petitioner in this Review Petition was never placed before the Writ Court and there was no counter affidavit. Therefore,

the question of the impugned order suffering from an error apparent on the face of the record does not arise, as nothing was placed before the Court by the Review Petitioner/fourth respondent.

6. Further as pointed out earlier, the order impugned in the Writ Petition was an order/endorsement of the Special Tahsildar and this Court examined the correctness of the said order and therefore, this Court is not inclined to entertain the Review Petition, as it is a settled proposition of law, a Review is not an appeal in disguise. In fact, if the contentions raised by the Review Petitioner are to be examined, then it would amount to rehearing the entire matter afresh, which is beyond the review jurisdiction.

Accordingly, the Review Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2015

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Index :Yes/No

To

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Tiruvallur.

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T.S.SIVAGNANAM J.
pbn

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