

In the High Court of Judicature at Madras

Dated : 10.3.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice P.R.SHIVAKUMAR

Review Application No.14 of 2015

1.P.Ramachandran
2.M.Chandrasekar (a) Mandai Sekar
3.Nithyanandam (a) Paruppu Nithiya
4.R.Raja (a) Pawar Raja
5.Kingini Jayabal
6.Thandal D.Pakkiri
7.D.Jagadeesan
8.P.Baskaran
9.R.Kathiravan (a) Velu
10.Malaikan Vinayagamurthy
11.R.Mani
12.Subramani (a) Nai Pal Subbra
13.M.Prakash
14.A.Thiruvengadam
15.G.Raja (a) Indu Raja
16.A.Jayakumar (a) Kayalvengai
17.R.Pakkiri (a) Thol Pakkiri
18.A.Arun (a) Current Arul
19.Satish (a) Mangatha Sathish
20.G.Subramani
21.Kuniraja
22.German Manoharan

...Applicants

Vs

1.S.Sundararaman
2.R.Venkatraman

3.State of Tamilnadu, rep.by its
Secretary to Government,
Home Department,
Fort.St.George, Chennai.

4.The Commissioner of Police,
Egmore, Chennai-8.

5.The Deputy Commissioner of Police,
Adyar, Chennai-20.

6.Deivasigamani, Assistant Commissioner
of Police, presently at J-6 Police
Station, Thiruvanmiyur, Chennai-41.

7.The Inspector of Police (Law & Order)
J-6 Police Station, Thiruvanmiyur,
Chennai-41.

8.Chandrika

9.T.M.Veerabhadran

10.V.Thangamani

11.M.Desingu

12.Krishnan

13.Muttayee

14.Devika

...Respondents

APPLICATION under Order XLVII Rule 1 read with Section 114 of the
Civil Procedure Code to review the judgment dated 28.3.2013 made in W.A.
No.561 of 2013.

For Applicants : Mr.J.L.Vincent
For Respondents 1 & 2 : Mr.S.Ramesh
For Respondents 3 to 7 : Mrs.P.Srijeyanthi, SGP
For Respondents 8 & 13 : Mrs.C.Uma

Order of the Court was made by V.Ramasubramanian,J

The appellants in the writ appeal, who actually succeeded in part, have
come up with the above review application.

2. Heard Mr.J.L.Vincent, learned counsel for the applicants and Mr.S.
Ramesh, learned counsel appearing for the contesting respondents.

3. The respondents 1 and 2 herein filed a writ petition in W.P.No. 31523 of 2012 on the file of this Court seeking the issue of a Writ of Mandamus to direct the State and the Commissioner of Police to initiate action against the fourth respondent in the writ petition by forbearing him from conducting katta panchayat in respect of a property. The said writ petition was disposed of by a learned Judge by an order dated 8.2.2013 by giving a direction to the Deputy Commissioner of Police, Adyar to arrange for necessary police protection as and when the writ petitioners wanted it, to enable them to put up a construction including the compound wall in the subject property at their costs.

4. Aggrieved by the said order, the review applicants filed a writ appeal in W.A.No.561 of 2013. The said writ appeal was allowed by a Division Bench by a judgment dated 28.3.2013 partly modifying the order of the learned Judge and confining the direction to give police protection only for the construction of the compound wall. In so far as the construction of buildings in the disputed property is concerned, the Division Bench held that without a proper planning permission from the Competent Authority, the writ petitioners cannot seek any police protection.

5. Contending that the said order suffers from an error apparent on the face of the record, in the sense that there was already a compound wall in existence, the appellants in the writ appeal have come up with this review application. It is also the contention of the applicants herein that under the guise of putting up a compound wall, the writ petitioners are putting up the

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construction of building itself.

6. We have carefully considered the submissions of the learned counsel for the applicants.

7. The learned counsel drew our attention to the photographs.

8. But, the photographs, at the outset, do not disclose the completion of construction of compound wall in entirety. Therefore, the first contention that the compound wall is already in existence, cannot be accepted in total.

9. In so far as the other grievance of the applicants that the writ petitioners are putting up a construction of pucca buildings is concerned, the same does not give rise to a cause for seeking review of the judgment. The latter portion of the judgment of the Division Bench makes it clear that after getting the planning permission, the writ petitioners are entitled to proceed and that any construction will be subject to the final decision of the civil court. If the writ petitioners are actually putting up a construction without obtaining the planning permission, the remedy of the applicants is in filing a contempt and not in filing a review application.

10. Therefore, the review application is rejected.

10.3.2015

Internet : Yes

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