

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Review Application No.64 of 2013

(W.P.No.26334 of 2003)

1.The Commissoiner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.

2.Paramakudi Municipality,
Represented by its Chairman,
Paramakudi,
Ramanathapuram District.

.. Applicants

Versus

1.H.S.Mohaideen

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-600 009.

3.The Commissioner,
Municipal Administration,
Chepauk, Chennai-5.

4.The District Collector of Ramanathapuram,
Collectorate, Ramanathapuram.

5.The District Revenue Officer,
Ramanathapuram.

6.The Assistant Director,
Survey and Land Records,
Ramanathapuram.

.. Respondents

Prayer: This Review Application is filed under Order 47 Rule 1 of C.P.C. R/W Section 114 of CPC, to Review the order passed dated 11.12.2012 in W.P.No.26334 of 2003.

For Petitioner : Mr.P.Srinivas

For Respondents : Mr.T.M.Hariharan for R1

Mr.K.J.Shivakumar
Government Advocate for R2 to R6

ORDER

Heard Mr.P.Srinivas, learned counsel appearing for the applicants / respondents 7 and 6; Mr.T.M.Hariharan, learned counsel appearing for the first respondent / writ petitioner and Mr.K.J.Shivakumar, learned Government Advocate, appearing for the respondents 2 to 6 / respondents 1 to 5.

2. This Review Application has been filed to review the order and direction issued by this Court in W.P.No.26334 of 2003, dated 11.12.2012. The said Writ Petition was disposed of on the primary ground that though the Paramakudi Municipality, who were impleaded as sixth and seventh respondents in the Writ Petition have been served and they entered appearance, no counter affidavit was filed. Furthermore, it was noted that based on the order of the District Revenue Officer, dated 27.11.2002, the Writ Petition in W.P.No.26334 of 2003 was filed. The Review petitioner

would state that the name of the counsel of the Municipality was not printed in the cause list and the writ petition filed before the Madurai Bench of Madras High Court in W.P.(MD)No.11292 of 2010 though was dismissed as withdrawn, subsequently, the matter has been restored by an order dated 16.10.2011 and has been transferred to this Court. Thus, it is clear that the petitioner-Municipality viz., the Review Applicants did not have opportunity to contest the matter. This is sufficient ground to review and re-call the order dated 11.12.2012.

3. Accordingly, the Review Application is allowed and the order dated 11.12.2012 is re-called and the Writ Petition in W.P.No.26334 of 2003 is restored to the file of this Court and directed to be heard along with W.P.(MD)No.11292 of 2010. (already transferred)

To dispose of the Writ Petitions, the Revenue Authorities, who are impleaded as respondents are directed to file counter affidavits well before the next hearing date.

List the Writ Petitions for hearing on 08.12.2016.

24.11.2016

r n s

T.S.SIVAGNANAM, J.,

r n s

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-600 009.
- 3.The Commissioner,
Municipal Administration,
Chepauk, Chennai-5.
- 4.The District Collector of Ramanathapuram,
Collectorate, Ramanathapuram.
- 5.The District Revenue Officer,
Ramanathapuram.
- 6.The Assistant Director,
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