



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

CORAM :

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Review Application (MD) No.8 of 2016

S.Abubakkar Siddiq ... Petitioner

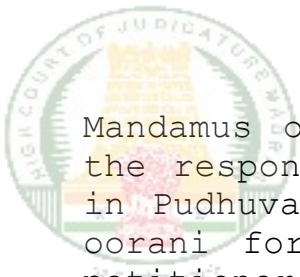
-Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Additional Director of Town Panchayats,
Sivagangai,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Ramnagar, Devekottai,
Sivaganga District.
- 4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.
- 5.The Executive Officer,
Puduvayal Town Panchayat,
Sivagangai District.
- 6.K.R.V.D. Trust,
Having Office at:
Near Kailasa Vinayagar Temple,
Puduvayal Town Panchayat,
Sivagangai District. ... Respondents

Prayer : Review Application filed under Order 47, Rule 1 r/w. Section 114 of Civil Procedure Code, praying to review the order passed in W.P.(MD)No.8425 of 2015, dated 18.12.2015.

Prayer in WP(MD). 8425 of 2015 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of



Mandamus or order or direction in the nature of Writ, directing the respondents 1 to 5 to remove the encroachments of teh oorani in Pudhuvayal Town Panchayat Survey No. 105/1, to an extent of 2 oorani for getting water for the public use by considering the petitioners representation, dated 07.04.2015.

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For Appellant	: Mr.M.Solaisamy
For Respondents	: Mr.A.K.Baskara Pandian
1 to 5	Special Government Pleader

ORDER

(Order of the Court was delivered by **S.S.SUNDAR, J.**)

This petitioner has earlier filed a Writ Petition in public interest for issuing a Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachments allegedly made by the sixth respondent in a tank.

2.After elaborately considering and discussing all the facts and the materials available on record, this Court dismissed the Writ Petition after holding that it is not really in public interest but engineered at the instance of the elected representatives of the panchayat. This Court has also considered the fact that in a civil suit filed way back in 2000, the rights of the sixth respondent as owner of the property has been finally decided. An appeal filed by the local body also failed. It was also noticed by this Court that from 1914, the sixth respondent's title to the temple tank which was attached to the temple is established. The only submission by the petitioner earlier that no ryotwari patta can be issued to the sixth respondent after amendment in 1976 namely by the introduction of Section 14A of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 26/1948. This Court after considering the provisions of the Act found that the amendment will not affect the rights of the sixth respondent Trust for holding the property or maintenance of the temple tank (Ooruni). After elaborately discussing the legal position, the Writ Petition was dismissed. It is also relevant to refer to the fact that this Court has relied upon a judgment of a learned Single Judge of this Court on the point and quoted another decision of the learned Single Judge of this Court with approval. After an elaborate discussion of all the points argued and the facts and legal position, the Writ Petition was decided against the petitioner. Absolutely, there is no error apparent on the face of record. It is well settled that for the purpose of entertaining a review petition, rehearing is impossible. Even if it is held that the error has to be detected by a process of reasoning, it cannot be said that the error is apparent on the



face of record. Since none of the grounds raised by the petitioner falls within Order 47, Rule 1 of C.P.C., this Court is unable to find any merits in the Review Petition.

3. Having regard to the fact that the petitioner is not for any public cause but for the cause of elected representatives of local body, this Court earlier observed that this is not a public interest litigation and that it was only at the instigation of the panchayat, the earlier writ petition was filed. Even after the matter was decided as between the sixth respondent and the local body in the suit in 2000 and by the settlement authorities earlier, the petitioner has filed the Review Petition. Though the Writ Petition was dismissed after taking serious note of the issue regarding *locus standi* of the petitioner, the petitioner once again filed the Review Application making the same arguments which were considered and answered by this Court in the main Writ Petition. Hence, this Review Petition is vexatious and the same is dismissed with cost of Rs.5,000/- (Rupees Five Thousand only) payable to Roja Vanam Oldage Home, Ulaganeri, Melur Main Road, Madurai - 625 107, within a period of one week from the date of receipt of a copy of this order.

Sd/-

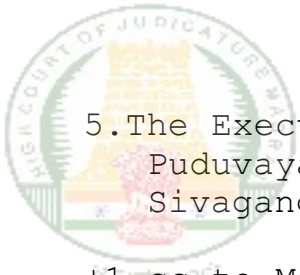
Assistant Registrar (ADI)

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Sub Assistant Registrar (CS)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Additional Director of Town Panchayats,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
Ramnagar, Devekottai,
Sivaganga District.
4. The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.



5.The Executive Officer,
Puduvayal Town Panchayat,
Sivagangai District.

+1 cc to Mr.M.Solaisamy , Advocate SR.No.59607

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SRM

**Judgment in
Review Application (MD) No.8 of 2016
05.04.2019**

_KM/ (07.05.2019) 4P 7C