

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE R. MAHADEVAN

Rev.Appl. No.5 of 2017
and WMP.No. 1689 of 207
in W.P.No. 42032 of 2016

P.Mohanraj

.. Applicant

Vs.

1. The District Collector,
Kancheepuram District.
Kancheepuram.

2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

.. Respondents

Prayer : Review Application filed under Order XLV Rule 1 read with Section 114 of C.P.C. seeking to review the order dated 30.11.2016 in W.P.No.42032 of 2016.

Prayer in WP.No.42032/2016 : Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records, relating to the notice daed 14.11.2016 issued by the 2nd Respondent and quash the same.

For Applicant : Mr.N. Elumalai

For Respondents : Mr.K.Ravi Kumar
Additional Government Pleader

ORDER

[Order of the Court was delivered by T.S.Sivagnanam, J.]

Heard Mr.N. Elumalai, learned counsel for the applicant. It is represented that one of the counsels, who have filed the review application has since become a Special Government Pleader, therefore, adjournment is sought for engaging a new counsel.

2. We decline to grant adjournment for more than one reason. Firstly, the review was filed in the year 2017, much after the order and direction issued in the writ petition was implemented. It is admitted by the petitioner that already the offending construction in the encroached water body has been removed.

Furthermore, the Division Bench, while disposing of the writ petition, took note of the decision of the Full Bench in the case of T.K.Shanmugam Vs. The State of Tamil Nadu [reported in 2015-5-L.W. 397] and issued directions.

3. We have perused the grounds of the review and we find that, at best, the same can be grounds of appeal but not grounds of review. It is settled legal position that review application is not an appeal in disguise.

4. Thus, for the above reasons, we find no reason to review the order passed in W.P.No.42032 of 2016. In the result, the review application stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Kancheepuram District.
Kancheepuram.

2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

+1cc to Mr.N.Elumalai, Advocate Sr.No.64566

akm/06.09.19 /2p-4c/

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