

In the High Court of Judicature at Madras

Dated: 13.11.2017

Coram:

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

Review Application No.663 of 2017
in W.P.No.15991 of 2017

M.N.Vijayaraghavan

.. Petitioner

VS.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.

2.The Divisional Officer,
Corporation of Chennai,
Division – 52, Zone-5,
Basin Bridge Road,
Chennai – 600 021.

3.The Assistant Engineer,
Corporation of Chennai,
Division – 52, Zone-5,
M.C. Road,
Chennai – 600 021.

4.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai – 600 021.

5.The Deputy Commissioner of Police,
Royapuram Range,
Office at H-5, Police Station,
Tondiarpet,
Chennai – 600 081.

6.The Inspector of Police,
N1, Police Station,
Royapuram,
Chennai – 600 013.

7.V.Alagarswamy .. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 r/w
Section 114 of CPC, to review the order dated 27.06.2017 made
in W.P.No.15991 of 2017.

For Petitioner : Mr.J.Venkatesa Perumal

For Respondents : Mr.V.C.Selvasekaran
for respondents 1 to 3

Mr.T.N.Rajagopalan
Government Pleader (i/c)
for respondents 4 to 6

ORDER

(Order of the Court was made by M.Sundar, J)

This is a review application, seeking to review an order
dated 27.06.2017 made by us in W.P.No.15991 of 2017. To be

noted, writ petitioner in W.P.No.15991 of 2017 is the review applicant before us in the instant review application.

2. At the out set, we find that one Mr.V.Ramana Reddy, Advocate, was the counsel on record and has appeared for the writ petitioner before us when the writ petition came to be disposed of on 27.06.2017, but this review application has now been filed by M/s.Venkatesa Perumal and S.Manikandan, learned counsel on record for the review applicant. To be noted, the counsel, who appeared in the main writ petition i.e., Mr.V.Ramana Reddy, is not even a co-counsel now.

3. It is well settled that review application has to be necessarily filed by the same counsel, who filed the earlier/original petition (orders in which are sought to be reviewed) and appeared in the earlier proceedings.

4. This review application is liable to be dismissed on this sole threshold ground alone.

5. However, in this matter, we make an exception considering the nature of the matter and we deem it appropriate to dispose of the review application on merits, notwithstanding the aforementioned position.

6. As far as the original writ petition is concerned, it was filed on the basis that there was some encroachment in front of the shop that is being run by the writ petitioner in the name and style 'Vijayalakshmi Tex Trading'. The materials placed before us in the writ petition revealed that the encroachment is in front of one 'Sri Krishna Tex'. In other words, there was no material to show that there is encroachment in front of Vijayalakshmi Tex Trading, which is said to be run by the writ petitioner/review applicant.

7. Therefore on the aforesaid short ground, we dismissed the writ petition on 27.06.2017.

8. Now, in this review application, it is stated that 'Sri Krishna Tax' is a shop belonging to one V.Alagarswamy, respondent No.7 in the writ petition and also in this review application. This only buttresses the position that Sri Krishna Tex does not belong to the writ petitioner, and that it is a shop that is being run by respondent No.7 in the writ petition/review application before us.

9. Other than the aforesaid point, we do not find any specific ground that has been raised in the review application. The memorandum of grounds in the review application contains two paragraphs.

10. Our narrative supra, would reveal that none of the parameters/ingredients of Order 47, Rule 1 of the Code of Civil Procedure, 1908, which are necessary for entertaining a review application, are present in the instant review application.

11. In other words, (i) there is no discovery of new and important matter or evidence which after the exercise of due

diligence was not within the knowledge of the review applicant or could not be produced by the review applicant when the writ petition came to be disposed of, (ii) there is no mistake or error apparent on the fact of the record and (iii) no other sufficient reason exists.

12. The Supreme Court and the other Courts have repeatedly held that the third ground for review, i.e., 'any other sufficient reason' should be relatable to and read in the context of the first and second grounds. Further to be noted, all the three grounds for review have been set out by us in the preceding paragraph.

13. Therefore, we have no hesitation in coming to the conclusion that no ground for review, much less tenable ground for review is available in the instant case.

14. The review application is bereft of merits, it deserves to be dismissed and we do so.

15. Review application is dismissed. No costs.

[I.B., CJ [M.S., J.]
13.11.2017

Index : Yes/No
Internet : Yes/No
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The Hon'ble Chief Justice
and
M.Sundar, J.

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in W.P.No.15991 of 2017

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