

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HON'BLE MR. JUSTICE T. RAJA
AND
THE HON'BLE MR. JUSTICE K.KUMARESH BABU

Review Application No.177 of 2017
and
C.M.P. No.17871 of 2017

1. The Tamil Nadu Housing Board,
represented by its Chairman & Managing Director,
Nandanam, Anna Salai,
Chennai - 600 035.
2. The Executive Engineer &
Administrative Officer,
Tamil Nadu Housing Board Unit,
Coimbatore, Tatabad,
Coimbatore District.

... Review Applicants

Vs.

- 1.Lakshmi
- 2.Natarajan
- 3.Murugesan
- 4.Paulraj
- 5.Nagaraj
6. The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
7. The District Collector,
Collectorate Complex,
Coimbatore District.

8. The Special Tahsildar (LA),
Housing Schemes Unit,
Tatabad, Coimbatore-12.

... Respondents

Review Application filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 26.02.2016 passed in W.A.No1429 of 2014.

W.A.No1429 of 2014 by setting aside the order made in W.P.No.7510 of 2014 dated 07.05.2014.

Prayer in W.P.No.7510 of 2014:Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration, declaring that the land acquisition proceedings initiated, under the Land Acquisition Act 1894, in respect of the lands belonging to the petitioners, comprised in S.F.Nos.508, 509/1 510/1A, 510/1B, 511/1A1 and 511/1B, admeasuring an extent of 1.03.0 hectares, 0.32.5 hectares, 0.03.0 hectares, 0.15.5 hectares, 0.08.0 hectares and 0.86.5 hectares respectively situated at Vellakinaru Village, Coimbatore as lapsed in view of the "Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" (Act 30/2013) and pass such further orders.

For Applicants : Ms.C.Shyamala
for Tamil Nadu Housing Board

For R1 to 5 : Mr.A.Maheshnath

For R6 to 8 : Mr.V.Manoharan,
Additional Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Review Application has been filed to review the judgment dated 26.02.2016 passed in W.A.No.1429 of 2014.

2.Ms.C.Shyamala, learned counsel appearing for the review applicants fairly submitted that similar type of review application in Rev.Appl.No.194 of 2017, arising out of the common judgment dated 26.02.2016, was taken up by this Court and after finding no merits therein, was dismissed by an order dated 03.02.2022.

3.The relevant portion of the order, dated 03.02.2022, made in Rev.Appl.No.194 of 2017 is extracted below :

"4.On a perusal of the grounds raised in the Review Application, it could be seen that the applicants have not raised any ground pointing out an error apparent on the face of the record. As per the provisions of Order 47 Rule 1 of the Code of Civil Procedure, a Review Application can be entertained only if there is an error apparent on the face of the record. The Review Application cannot be treated as an appeal in disguise. It is also settled position that the review applicants cannot re-argue the appeal. In the case of the review applicants unable to point out any error apparent on the face of the record as per the provisions of Order 47 Rule 1 of the Code of Civil Procedure, the remedy open to the applicants is only to challenge the order passed in the Writ Appeal by way of an appeal before the Hon'ble Supreme Court. None of the grounds raised in the Review Application points out any error apparent on the face of the record warranting interference.

5.In these circumstances, the Review Application is liable to be dismissed. Accordingly, the Review Application is dismissed. No costs. Consequently, the connected miscellaneous petition is closed."

4.In view of the above, since this Court has already dismissed the review application arising out of the common judgment dated 26.02.2016, citing the above reasons, we are unable to find any merit in this Review Application. Therefore, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Collectorate Complex,
Coimbatore District.
3. The Special Tahsildar (LA),
Housing Schemes Unit,
Tatabad, Coimbatore-12.

+1cc to Mr.A.Maheshnath, Advocate, S.R.No.37992

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NSK/01/07/2022