

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM :

THE HON'BLE MR.JUSTICE T.RAJA
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

REVIEW APPLICATION NOS.183 & 189 OF 2017
AGAINST W.A.NOS.1435 OF 2014 & 163 OF 2015
AND
C.M.P.NOS.17877 & 17883 OF 2017
IN REVIEW APPLICATION NOS.183 & 189 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,
TNHB Unit, Coimbatore, Tatabad,
Coimbatore District.

... Applicants/
Appellants/Respondents 2 & 3
in both applications

Vs.

1. Amulammal
2. Rajendran
3. Jayamani
4. Rajalakshmi
5. Ravi Ganesh
6. Pavithra
7. Bagiyalakshmi
8. Amsaveni
9. Balakrishnan
10. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
11. The District Collector,
Collectorate Complex,
Coimbatore District.

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

... Respondents/Respondents/
Petitioners 1 to 9 & Respondents 1, 4 & 5
in Rev.Appl.No.183 of 2017

1. Sudha
2. Selvi
3. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
4. The District Collector,
Collectorate Complex,
Coimbatore District.
5. The Special Tahsildar (LA),
Housing Scheme Unit-I,
Tatabad, Coimbatore - 12.

... Respondents/
Respondents/Petitioner 1 & 2 &
Respondents 1, 4 & 5
in Rev.Appl.No.189 of 2017

Review Applications in Rev.Appl.Nos.183 and 189 of 2017 filed under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure to review the orders dated 26.02.2016 passed in W.A.Nos.1435 of 2014 and 163 of 2015 respectively.

Prayer in W.A.No.1435 of 2014:-

Writ Appeal filed under Clause 15 of the Letter Patents challenging the order dated 07.05.2014 in W.P.No.8775 of 2014.

Prayer in W.P.No.8775 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India for a Writ of declaration, to declare that the entire land acquisition proceedings initiated, under the Land Acquisition Act, 1894, in respect of the lands of an extent of 2.00 acres comprised in S.F.No.529/1B belonging to the petitioners 1 to 6 and an extent of 2.74 acres comprised in S.F.No.530/2, situated at Vellakinaru Village, Coimbatore, belonging to the petitioners, 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).

Prayer in W.A.No.163 of 2015:-

Writ Appeal filed under Clause 15 of the Letter Patents challenging the order dated 07.05.2014 in W.P.No.7509 of 2014.

Prayer in W.P.No.7509 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India for a Writ of declaration, to declare that the entire land acquisition proceedings initiated, under the Land Acquisition Act, 1894, in respect of the lands of an extent of 0.97.0 hectares comprised in S.F.No.527/1D, situated at Vellakinaru Village, Coimbatore, belonging to the petitioners, 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).

For Applicants	:	Dr.R.Gowri for Tamil Nadu Housing Board in both applications
For R1 to R9	:	Mr.R.N.Amarnath in Rev.Appl.No.183 of 2017
For R10 to R12	:	Mrs.D.Tamilselvi Additional Government Pleader in Rev.Appl.No.183 of 2017
For R1 & R2	:	Mr.R.N.Amarnath in Rev.Appl.No.189 of 2017
For R3 to R5	:	Mrs.D.Tamilselvi Additional Government Pleader in Rev.Appl.No.189 of 2017

COMMON ORDER

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

These Review Applications have been filed to review the common judgment passed in W.A.Nos.1435 of 2014 and 163 of 2015, dated 26.02.2016.

2.Dr.R.Gowri, 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 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 merits in these Review Applications. Therefore, these Review Applications are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)

//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 - 9.

2. The District Collector,
Collectorate Complex,
Coimbatore,
Coimbatore District.
3. The Special Tahsildar (LA),
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4. The Special Tahsildar (LA),
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5. The Chairman & Managing Director,
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6. The Executive Engineer & Administrative Officer,
TNHB Unit, Coimbatore,
Tatabad, Coimbatore District.

+2ccs to M/s.R.N.Amarnath, Advocate, S.R.Nos.16519, 16520

Review Application Nos.183 & 189 of 2017

AJS(CO)
RLP(23/03/2022)