

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

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THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Review Application (W) No.139 of 2016

1. P.Maharaja
2. S.Pathirapandy .. Applicants

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
2. The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
3. Regional Deputy Commissioner (Central)
Corporation of Chennai
No.368, 2nd Cross Street
Pulla Avenue, Shenoy Nagar
Chennai 600 030.
4. The City Engineer
Corporation of Chennai
Rippon Buildings
Chennai 600 003.
5. The Executive Engineer
Zone X
Corporation of Chennai
No.64, Kalaivanar Salai
Chennai 600 024.

6. The Tahsildar
Mambalam Guindy Taluk
Chennai 600 015.

7. M.Shaik Dawood

8. M.Usman Ali .. Respondents

Application under Order XLVII, Rule 1, CPC read with Section 114 of CPC, to review the order dated 12.7.2016 made in W.P.No.22225 of 2016.

For Applicants	:	Mr.Ashok Menon
For Respondent - 1	:	Mr.C.Johnson
For Respondents 2 to 5	:	Mr.V.C.Selvasekaran
For Respondent - 6	:	Mrs.A.Srijayanthi, Spl.G.P.

ORDER

(Made by Huluvadi G.Ramesh,J)

This application has been filed seeking to review the order of this Court dated 12.7.2016 made in W.P.No.22225 of 2016.

2. Heard the learned counsel for the applicants, the learned Standing Counsel for the first respondent, the learned Standing Counsel for the respondents 2 to 5 and the learned Special Government Pleader for the sixth respondent.

3. The applicants were tenants under the respondents 7 and 8 in the premises at No.95, Usman Road, T.Nagar, Chennai 600 017. The respondents 7 and 8, who are the owners, filed a petition to evict the applicants from the premises on the ground that they require it for demolition and reconstruction and the said petition was dismissed. However, the prayer of the respondents 7 and 8 was allowed in the appeal. In the revision filed by the applicants, the High Court held that the applicants could be evicted by the respondents 7 and 8 only after filing of proper and valid plan before the Executing Court. Thereafter, the applicants were evicted from the premises and subsequently, they filed writ petitions which did not fructify, resulting in the filing of the above review application.

4. The respondents 7 and 8, after demolition of the premises in question and obtaining permission, re-constructed the building. But, according to the applicants, the respondents 7 and 8 had violated the building plan and therefore, they filed writ petitions questioning the construction put up by the applicants, under the guise of exercising their right for re-occupation. However, after considering the stand of the respondents 7 and 8 that re-induction of the applicants was only a subsequent event, if at all any order was passed by the Rent Control Court and not otherwise and also the stand of the respondent authorities that they would permit only after proper verification, dismissed the writ petition.

5. On a careful look at the facts of the case, it is evident that the act of the applicants in filing the writ petitions on the ground that the landlords, namely respondents 7 and 8, hand in glove with the respondent/authorities, had illegally constructed the building based on a fraudulent plan obtained by them, that too, after they were evicted from the said premises, is only to wreak vengeance against the respondents 7 and 8 and not with the real intention of getting themselves re-inducted in the premises in question. Though the applicants have filed this review application seeking to review the order passed by this Court, we do not find any ground to review our order, except to observe that the applicants had adopted dilatory tactics in order to wreak vengeance against the respondents 7 and 8/landlords for having evicted them from the premises and it is nothing but abuse of process of law. Hence, this review application is dismissed. No costs.

Index : Yes/No
Internet: Yes/No

(H.G.R.J.) (M.V.M.J.)
11.01.2017

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HULUVADI G.RAMESH,J,
and
M.V.MURALIDARAN,J.

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