

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

and

THE HON`BLE MR JUSTICE N.SESHASAYEE

REV.APLW No.11 of 2018

M.GOVINDAN,

[PETITIONER]

Vs

1 R.GAJENDRAN,

[RESPONDENTS]

2 THE SECRETARY TO GOVERNMENT
OF TAMIL NADU, MUNICIPAL ADMINISTRATION
AND WATER SUPPLY, ST. GEORGE FORT,
CHENNAI-600 009

3 THE DIRECTOR,
DIRECTORATE OF TOWN PANCHAYATS,
KURALAGAM, CHENNAI-600 108.

4 THE EXECUTIVE OFFICER,
GUMMIDIPOONDI TOWN PANCHAYAT,
TIRUVALLUR DISTRICT.

Review Application filed under order 47 Rule 1 and Section 114 CPC r/w. Sec.114 of CPC the Constitution of India praying to review the judgment and decree dated 31.10.2017 in WP.No.11628/17 passed by THE HON`BLE MR JUSTICE M.SATHYANARAYANAN & THE HON`BLE MR JUSTICE N.SESHASAYEE (in REV.APPL.No.11/2018)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.RAVI PAUL Senior Counsel for M/S.PAUL AND PAUL, Advocate for the petitioner and of MR.IYYADURAI, Advocate for the 1st respondent and of M/S.A.N.THAMBIDURAI, Special Government Pleader on behalf of the 2 to 4 respondents the court made the following order:-

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The grievance expressed by the review petitioner/4th respondent in the writ petition is that though he had an opportunity to represent the case, due to certain circumstances beyond the control, it could not be placed in the form of an affidavit with supporting typed set of documents.

2 Mr.Ravi Paul, learned Senior Counsel appearing for the review petitioner / 4th respondent would submit that there are overwhelming documents to show that the land in S.No.559/B at No.75, Old Gummidipoondi Village and Taluk, Tiruvallur District, cannot be classified as "Chatram Land" for the reason that the civil litigation instituted by the then Local Body claiming very same right, has ended in failure and no appeal has been filed and therefore, prays for reviewing of the said portion of the order dated 31.10.2017, in and by which, this Court has granted permission to the revenue authorities to proceed with the encroachments on the lands, which are said to have been classified as "Chatram Lands".

3 Similarly, Mr.Iyyadurai, learned counsel appearing for the 1st respondent / writ petitioner would submit that some of the alleged encroachers on the "Chatram Land" has also filed WP.No.1841/2018, wherein Status Report has also been filed and the said writ petition may be tagged along with this Review Application.

4 The Court heard the submission of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 2 to 4 and also perused the materials placed before it.

5 In the absence of any error apparent on the face of the record, this Court is not in a position to exercise its jurisdiction and admittedly, at the time of hearing the writ petition, the review petitioner / 4th respondent did not place materials now being placed by him in the form of typed set of documents filed along with this review petition.

6 It is also pointed out by the learned Senior Counsel appearing for the review petitioner/4th respondent as well as by the learned counsel appearing for the 1st respondent/writ petitioner that with regard to the unauthorised construction, due process shall go on for removal of the same. However, claiming ownership / possession of the lands, they seek clarification by granting liberty to approach the concerned respondent with all materials so as to enable them to take a call as to whether the land in S.No.559/B is referred as "Chatram Lands" or lands of the predecessors in title.

7 Call on 20.07.2018. Post WMP.No.4947/2018 in
WP.No.11628/2017 and WP.No.1841/2018 along with this matter.

-sd/-

02/07/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT
OF TAMIL NADU, MUNICIPAL ADMINISTRATION
AND WATER SUPPLY, ST. GEORGE FORT,
CHENNAI-600 009

2 THE DIRECTOR,
DIRECTORATE OF TOWN PANCHAYATS,
KURALAGAM, CHENNAI-600 108.

3 THE EXECUTIVE OFFICER,
GUMMIDIPOONDI TOWN PANCHAYAT,
TIRUVALLUR DISTRICT.

C.C. to M/S.PAUL AND PAUL Advocate on payment of necessary
charges

C.C. to MR.IYYADURAI, Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
REV.APLW.11/2018

Date :02/07/2018

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KP(11/07/2018)