

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE M.SUNDAR

Review Application No.72 of 2018
and
W.M.P.Nos.13567 and 13568 of 2018
in
W.P.No.5500 of 2017

1.Mrs.Kuppu,
W/o.Perumal

2.Mrs.Rani

3.Mr.Marimuthu (Died)

4.Mrs.Sengeni

5.Mr.Vasudevan

6.Mrs.Kanaga .. Petitioners/Respondents 5 to 10

-vs-

1.E.Muniammal,
W/o.Mr.Ekambaram

.. Respondent/Writ Petitioner

2.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-2.

3.The Assistant Commissioner,
Zone-X, Corporation of Chennai,

No.117, NSK Salai, Kodambakkam,
Chennai-600 024.

4.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.

5.The Asst. Secretary (Plots),
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-600 005.

.. Respondents/Respondents 1 to 4

Review Application under Order XLVII Rule 1 read with Section 114 of Code of Civil Procedure to review the order dated 06.03.2017 made in W.P.No.5500 of 2017.

Prayer in Wp No.5500/17 : Writ of Mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 10 in the Public lane connecting from Erikarai Road to reach the Petitioners property bearing Plot No.129 Door No.91/ 49A Erikarai Street Virugambakkam Chennai-600 092 and restore the lane to its original position

For Applicants : Mr.E.Vijay Anand

For RR2 and 3 : Mr.V.C.Selvasekaran,
Standing Counsel

ORDER

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

Heard Mr.E.Vijay Anand, learned counsel for the applicants; and Mr.V.C.Selvasekaran, learned Standing Counsel for respondents 2 and 3.

2.This review application has been filed by respondents 5 to 10 in Writ Petition No.5500 of 2017, which was disposed of by order dated 06.03.2017.

3.The applicants would contend that though they were impleaded as respondents in the writ petition, without hearing them, the writ petition was disposed of and therefore, the order has to be reviewed.

4.Firstly, it has to be pointed out that the order passed in the writ petition is dated 06.03.2017. Apart from that, no positive direction was issued in the said order, but there was a direction to the Tamil Nadu Slum Clearance Board to look into the matter and take necessary action for removal of encroachments in accordance with law, of course, after due notice to respondents 5 to 10, review applicants and other encroachers, if any.

5.In our considered view, no prejudice would be caused to the review applicants on account of the said order, as the direction is an innocuous direction and the same has been issued to the Slum Clearance Board to proceed further after due notice

to the applicants.

6.Thus, we find there is no ground made out by the applicants to review the order dated 06.03.2017.

7.For the above reasons, this review application stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

abr

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-2.
- 2.The Assistant Commissioner,
Zone-X, Corporation of Chennai,
No.117, NSK Salai, Kodambakkam,
Chennai-600 024.
- 3.The Chairman,
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- 4.The Asst. Secretary (Plots),
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CA(CO)
GMY(26/08/2019)