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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2018

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Review Petition No.87 of 2018
and WMP.No.18604 of 2018

Sheik Ameer .. Petitioner/Review Applicant
Vs.

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

2.The Commissioner,
Tiruppur Municipal Corporation,
Kumaran Road, State Highway 169,
Novyal, Tiruppur.

3.The Commissioner,
Town and Country Planning,
807, Anna Salai,
Chennai-600 002.

4.The Collector,
O/o. Collectorate,
Tiruppur District, Tiruppur.

5.The Sub-Collector,
Tiruppur District, Tiruppur.

6.The Assistant Director/Member Secretary,
Tiruppur Local Planning Commission,
377, Kamarajar Salai, Tiruppur.

... Respondents

Prayer: Review Petition filed under Order 47 Rule 1 & 2 CPC read with Section 114 CPC to review the judgement dated 20.04.2018 made in W.P.No.8329 of 2018 to issue an interim order of stay of operation of order dated 20.04.2018 in W.P. 8329/2018 filed under Article 226 of the constitution of India Praying for issuance of a Writ of Certiorari calling for the impugned notice dated 02.04.2018 issued by the 2nd respondent in Na.Ka. No.1732/2014/E1/Ma1 and quash the same.



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For Petitioner/
Review Applicant

: Ms.K.Nithyashree

For Respondents

: Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

(Order of the Court was made by M.Sathyannarayanan, J.)

Heard the submission of the learned counsel appearing for the review applicant and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents and also perused the materials placed before this Court as well as the grounds of review.

2. The learned counsel appearing for the review applicant has advanced arguments, which is nothing but repetition of the arguments submitted during hearing of the writ petition.

3. It is well settled that unless there is an error apparent on the face of record, this Court cannot exercise its review jurisdiction over the impugned order, which is the subject matter of this review. It is also equally well settled that the review applicant, under the guise of review application, cannot re-agitate the matter once again and the review is also an appeal in disguise. Therefore, this Court finds no merit in this review application.

4. At this juncture, the learned counsel appearing for the review applicant has invited the attention of this Court to para 18 of the impugned order and would submit that though this Court has observed that in respect of the premises/religious structure in question, demolition shall not take place till the petitioner obtains necessary permission from the District Collector, Tiruppur under Rule 6(4) of the Tamil Nadu District Municipal Building Rules, 1972, the said official is yet to take a call.

5. It is represented by the learned counsel appearing for the review application, on instructions, that a detailed representation dated 25.04.2018 seeking such permission has been submitted to the District Collector Tiruppur, followed by a reminder dated 27.06.2018 and if it is so, the District Collector, Tiruppur, after putting the concerned persons on notice, shall consider the said representation/application under Rule 6(4) of the Tamil Nadu District Municipal Building Rules, 1972 and pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the



persons concerned.

6. This Review Application is dismissed, subject to the above observations. No costs. Consequently, connected miscellaneous petition is dismissed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

jvm

To

1. The Secretary,
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Housing and Urban Development,
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+2 Ccs to Ms. K. Nithyashree, Advocate sr 48344.

+1 CC to Govt. Pleader sr 48505.

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SP(24/07/2018)