

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.10.2018

CORAM:

THE HONOURABLE **MR.JUSTICE K.K.SASIDHARAN**

and

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

Review Application No.151 of 2018 in
W.A.No.1676 of 2015

M.D.Venkatesan

... Applicant

Vs.

1.The Chairman
Tamilnadu Housing Board,
Nandanam, Chennai -35.

2.The Secretary,
Housing and Urban Department,
Fort St.George, Chennai - 600 005.

3.The Special Commissioner,
Land Administration,
Chepauk, Chennai - 600 005.

4.The Special Tahsildar (Land Acquisition)
Hosur Housing Unit,
Hosur - 635 109.

... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C., to review the order dated 06.11.2017 in W.A.No.1676 of 2015.

For Applicant : Mr.V.R.Kamalanathan

For Respondents : Mr.V.Anandhamurthy
Addl.Govt.Pleader

ORDER

(Order of the Court was delivered
by K.K.SASIDHARAN,J.)

The proceedings initiated by the review applicant challenging the land acquisition in W.P.No.19709 of 2006 was dismissed by the learned single Judge. The intra court appeal in W.A.No.677 of 2010 was also dismissed. The judgment was upheld by the Hon'ble Supreme Court by order dated 11 November 2010 in SLP No.28279 of 2010. The review applicant thereafter filed a fresh writ petition in W.P.No.1376 of 2012 with a totally new ground that draft Award was not signed by the competent authority. The writ petition was allowed by the learned single Judge without placing reference to the earlier proceedings. The order passed by the Writ Court was set aside by this Court in W.A.No.1676 of 2015. The present application is one another attempt to keep the legal proceedings live.

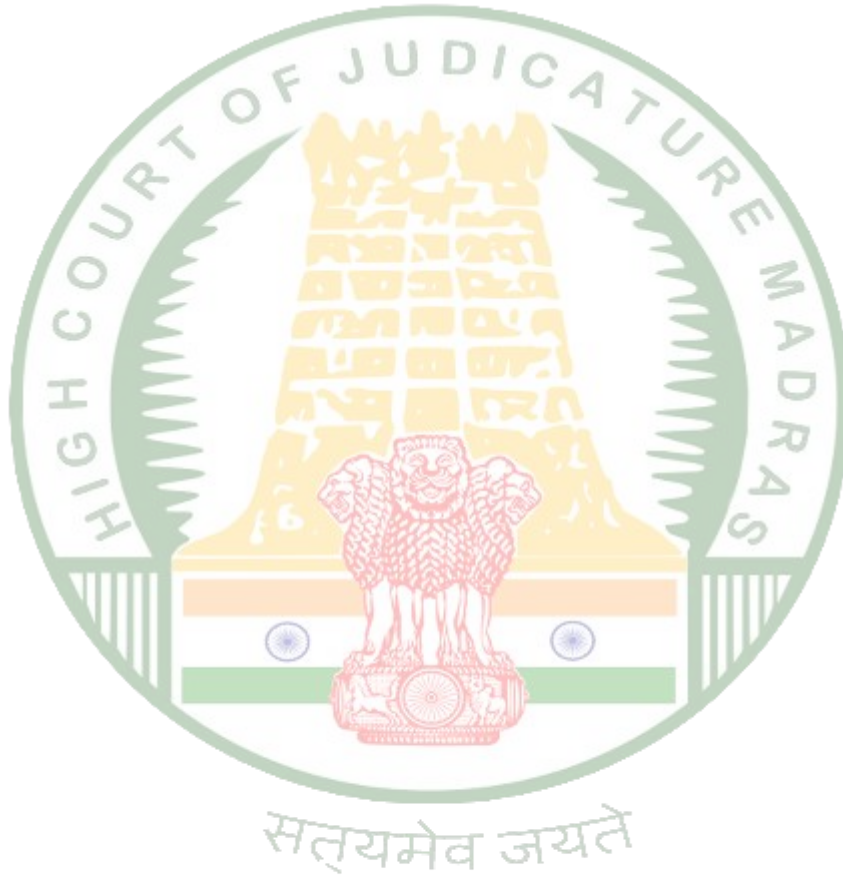
2. We have heard the learned counsel for the applicant. We have also heard the learned Additional Government Pleader for the Housing Board.

3. The applicant has taken up a contention in the Memorandum of grounds of review application that the original Award was not placed for perusal by the Housing Board. There was no dispute with respect to the Award which was passed on 20 August 1994. The question regarding the draft Award was very much available to the review applicant when the earlier writ petition was filed. The applicant after the dismissal of the earlier round of proceedings invented new ground to challenge the land acquisition.

4. This Court in the judgment very clearly held that the contentions taken in the second round of litigation ought to have been taken earlier in W.P.No.19709 of 2006.

5. The applicant has now taken up certain grounds which are not germane for deciding the review application. The review application is not for arguing the appeal once again. The contentions now taken by the applicant has already been answered by this Court. None of the grounds raised by the petitioner would come within the meaning of Order XXXVII Rule 1 of CPC. We are therefore of the view that there is absolutely no ground made out to review the judgment in

W.P.No.1676 of 2016.



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**K.K.SASIDHARAN.,J.
and
P.VELMURUGAN.,J.**

(svki)

6. In the upshot, we dismiss the review application without any liability to pay costs.

**(K.K.SASIDHARAN.,J.) - (P.VELMURUGAN.,J.)
25 October 2018**

Index : Yes/No

svki

To

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Rev.Application No.151 of 2018