

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Review Application (Writ) No.31 OF 2018

S.Jayakumar

... petitioner

versus

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 9

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 8

3.The Chief Executive Officer,
Tamil Nadu Housing Board,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 8

4.The Special Tahsildar (Land Acquisition)
M.N.Nagar Schemes,
Maraimalar Nagar,
Kanchipuram District.

... respondents

Petition filed to review the order passed in W.A.No.9 of 2016 dated 25.10.2017.

Writ Appeal filed under clause 15 of the Letter Patent against the order dated 23/12/2014 made in WP.No.16159/2011.

W.P.No.16159/2011:

Petition presented Under Article 226 of the Constitution to issue a Writ of Certiorarified Mandamus, Calling for the records pertaining to the Letter No.NT1/ 9596/2008 dt.23.11.2010 issued by the Chief Executive Officer, Chennai Metropolitan Development Authority, the 3rd respondent herein, quash the same and further directing the respondents particularly the Chief Executive Officer, Chennai Metropolitan Development Authority the 3rd respondent herein to re-convey the vacant land, measuring an extend of 0.92 cents, comprised in Survey No.233/2 in Sengundram Village, Chengalpattu Taluk Kancheepuram District

to the petitioner and to execute the re-conveyance Deed in favour of the petitioner.

For petitioner : Mr.S.Haja Mohideen Gisthi

For respondents : Mrs.A.Srijeyanthi, Spl.G.P.
For respondents 1 and 4

Mr.S.Thiruvenkadam,
for respondents 2 and 3

O R D E R

This review application is filed to review the judgment dated 25 October 2017 allowing the appeal filed by the Chennai Metropolitan Development Authority .

2. The learned counsel for the review applicant contended that the applicant was not aware of the acquisition of the land in question. He purchased the property innocently and only at a later point of time, the applicant came to know that the land has already been acquired.

3. The learned counsel submitted that adjoining lands were all re-conveyed to the original land owners. However, no such concession was given to the applicant. The learned counsel would submit that this Court has to take note of all the subsequent events relating to the failure of the very scheme and re-conveyance of the adjacent land.

4. The review applicant purchased the property after the culmination of the land acquisition proceedings. The award was passed on 11 September 1986. Compensation amount was deposited before the Sub Court. Possession of the land was taken over by the Land Acquisition Officer on 15 April 1987. The applicant purchased the land only on 5 May 2008. There was no challenge to the land acquisition proceedings at the instance of the review applicant. The prayer was only to re-convey the land. The request was rightly rejected by the respondents.

5. There is no error apparent on the face of the record so as to maintain this review application within the parameters of Order 47 Rule 1 of the Code of Civil Procedure. The contentions taken in the review application were the very same contentions taken earlier before this Court. We are therefore of the view that there is absolutely no merit in the review application.

6. In the upshot, we dismiss the review application. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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+lcc to Mr.S.Haja Mohideen Gisthi, Advocate sr.no.29639
+lcc to Mr.S.Thiruvengkadam, Advocate sr.no.29980

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nr 29/04/2019