

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.54 of 2018 in
W.A.No.419 of 2014

1.K.Dhakshinamurthy
2.Krishnaveni
3.Devaki

... Applicants

Vs.

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

2.The Government of Tamil Nadu,
Rep. by its Secretary,
Government of Housing and Urban
Development Department,
Fort St.George, Chennai - 600 009.

... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C., to review the order dated 29.11.2017 in W.A.No.419 of 2014.

For Applicants : Mr.P.Subba Reddy

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

ORDER

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

The writ petition filed by the applicants for re-conveyance of the acquired land was allowed by the learned single Judge by placing reliance on certain orders which has nothing to do with the issue raised in the writ petition. The order directing re-conveyance was set aside by this Court by judgment dated 29 November 2017 in W.A.No.419 of 2014.

2. The applicants have come up with this review application primarily on the ground that the neighbouring lands were all re-conveyed by the Housing Board and as such, there was violation of Article 14 of the Constitution of India.

3. The applicants claimed right under Section 48-B of the Land Acquisition Act on the ground that the land was not utilised for the purpose for which it was acquired. The claim was negated by this Court by placing reliance on the judgments of the Hon'ble Supreme Court in **Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative**

Housing Society, Jaipur and others [(2013) 5 SCC 427], Tamil Nadu Housing Board v. Keeravani Ammal and others [(2007) 9 SCC 255] and Tamil Nadu Housing Board v. L.Chandrasekaran (dead) by Lrs. and others [(2010) 2 SCC 786].

4. The Supreme Court in the above referred decisions very clearly held that it is for the Government to take a decision as to whether the land is needed for the purpose for which it was acquired. The fact that some of the adjacent lands were released to the land owners would not give a right to the applicants to claim that their land also should be released from acquisition unless a decision is taken by the Government that the land is no more necessary for the purpose for which it was acquired or any other public purpose.

5. These aspects were elaborately considered in the judgment in W.A.No.419 of 2014. The applicants wanted to re-hear the appeal by taking up certain grounds which were already negated by this Court. None of the grounds raised by the applicants would satisfy the ingredients of the review jurisdiction under Order XXXVII Rule 1 of the Code of Civil Procedure. We are therefore of the view that there is no case made out for review of the judgment in W.A.No.419 of 2014.

**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

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

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

Rev.Application No.54 of 2018