



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

WEB COPY

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

Review Application (Writ) No.94 of 2019

A.Syed Mohamad

.. Petitioner

Vs

1 The Secretary to Government of Tamilnadu
Municipal Administration and
Water Supply Department
St. George Fort
Chennai - 600 009.

2 The Director
Directorate of Town Panchayats
Kuralagam
Chennai - 600 108.

3 The Executive Officer
Gummidipoondi Town Panchayat
Thiruvallur District - 601 201.

4 Subramaniam

.. Respondents

PRAYER: Review application under Order 47 Rule 1 read with
Section 114 of the Civil Procedure Code to review the order
dated 15.2.2019 made in W.P.No.32117 of 2018.

For Petitioner : Mr.A.Syed Mohamad
Party in Person

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1 to 3

ORDER

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

The petitioner has filed the above review application
to review the order dated 15.2.2019 made in W.P.No.32117 of
2018, Writ Petition filed under Article 226 of the



Constitution of India praying for issue of Writ of Mandamus, stating that the 4th respondent had built a construction without planning approval document further in the vacant land of the property registered on the name of my father on western side encroached 300 sq.feet land. Therefore in this regard I had forwarded a petition on 18.4.2018 to the 3rd respondent through registered post but the 3rd respondent had not taken any action. It is against law therefore direct the 3rd respondent to immediate action on the above said petition.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing the official respondents to take action against the fourth respondent for the unauthorised construction and for putting up construction in the property belonging to the petitioner's father by encroaching 300 sq.ft. of land.

3. The third respondent filed his counter affidavit in the writ petition stating that the entire land in Survey Nos.559 and 560 is classified as 'Chatram' and belongs to the Revenue Department. It was further stated that the petitioner as well as the fourth respondent cannot claim any ownership of the land under their enjoyment and possession.

4. Since the petitioner himself is an encroacher in respect of the land in Survey Nos.559 and 560, we have dismissed the writ petition holding that the petitioner has not approached the Court with clean hands.

5. Now, the petitioner has filed the review application to review the said order once again stating that the fourth respondent has put up construction without obtaining planning permission.

6. A review application under Order 47 Rule 1 of the Civil Procedure Code can be entertained only if there is an error apparent on the face of the record. The petitioner is not in a position to point out any error apparent on the face of the record in the order passed by us in W.P.No.32117 of 2018. In the absence of any error, the review application cannot be entertained.

In view of the above, the review application is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

sasi

Sub Assistant Registrar



To

1 The Secretary to Government of Tamilnadu
Municipal Administration and
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St. George Fort
Chennai - 600 009.

2 The Director
Directorate of Town Panchayats
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Gummidipoondi Town Panchayat
Thiruvallur District - 601 201.

+1 cc to Mr.A.Syed Mohamed, Advocate, S.R.No.51463

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VP(CO)
SSM(24/07/2019)