

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

Review Application No.160 of 2019
in
W.P.No.12125 of 2013

- 1.S.Senthil Kumar
- 2.T.Ponraj
- 3.S.Ponnurangam
- 4.D.Saraswathi
- 5.R.Malar
- 6.S.Abirami
- 7.Arumugam
- 8.D.Muniyammal
- 9.E.Mariyappan
- 10.K.Dilli Kumari
- 11.R.Ganesa Moorthy
- 12.M.Rajkumar
- 13.A.Manivannan
- 14.A.Sayed Mohammed
- 15.C.Vijaya
- 16.M.Krishnamoorthy
- 17.S.Jayanthi
- 18.R.Jayanthi
- 19.S.Selvi
- 20.Elumalai
- 21.B.Sunil Kumar
- 22.D.Kalai Selvi
- 23.M.Korima
- 24.N.Rama Lakshmi
- 25.V.Masco
- 26.A.S.Sarkarai Beer Mohammed
- 27.Madhina Begam
- 28.P.Valarmathi
- 29.M.Vijaya
- 30.M.Vellaiyammal
- 31.A.V.Chinnadurai
- 32.R.Karthikeyan
- 33.D.Shanthi
- 34.R.Chandrasekar

35.B.Pushba
36.N.Bhavani Natarajan
37.Vasanth
38.S.Murugan
39.G.Kavitha
40.R.Arumugam
41.N.Ganapathy
42.S.Boopathy
43.e.Nambiraja
44.K.Sakthi
45.A.Ramesh
46.G.Moorthy
47.M.Sunaita Bheevi
48.N.Valliyammal
49.C.Vimalraj
50.M.Parishath
51.A.Hari Babu
52.G.P.Mohanraj
53.L.Varadhan
54.R.Suguna
55.A.Venmathi
56.R.Janakiraman
57.A.Thasarathan
58.S.Aushya
59.R.Lakshmi
60.V.M.Sheela
61.R.Ravichandran
62.E.Saravanan
63.A.Padmanaban
64.S.Kalaiyarasi
65.P.Manimozhi
66.K.Venkatesan
67.Arunrajan
68.P.Sundaram
69.A.James
70.C.Davith Kumar
71.G.Thanikachalam
72.S.Aruna
73.M.Subramani
74.P.Elanchezhian
75.G.Sooriyamoorthy
76.G.Radha
77.K.Amudha
78.V.Shankar
79.E.Kesavan
80.R.Reni
81.S.Gajalakshmi
82.S.Vijayakumari
83.S.Alamelu
84.P.Chinnaiah

85.Rathinammal
86.M.Samsudeen Mohamed Irsath
87.Kannan
88.B.Vijayashanthi
89.M.Kamrudhi
90.K.Karpagam
91.S.Mageswari
92.K.Gowri
93.M.Mariyammal
94.Madhan Kumar
95.G.Abbasali
96.S.Malarkodi
97.G.Murugan

98.P.Ponmani
99.K.Chandrasekar
100.M.Selvi
101.S.Moorthy
102.C.Dhanasekaran
103.S.Savariyammal
104.S.Syed Abdul Rehuman
105.S.Gurusamy
106.K.Purushothaman
107.T.Poongodi
108.R.Jeyachandran
109.K.Ramalingam
110.M.Velu

.. Petitioners

-vs-

1.I.H.Sekar,
Managing Trustee of the Nature Trust,
No.20, Dr.Nanjunda Rao Road,
Injambakkam,
Chennai-41.

2.The District Collector,
Kancheepuram District,
Collectorate Campus,
Kancheepuram-631 501.

3.The Tahsildar,
Taluk Office, Sholinganallur,
No.1, Rajiv Gandhi Salai,
Kumaran Nagar,
Sholinganallur,
Chennai-600 119.

4.S.Adimoolam
5.D.Rajendran
6.A.Munusamy

- 7.A.Settu @ Raju
- 8.D.Balaji
- 9.D.Babu @ Pushpalingam
- 10.Munusamy
- 11.D.Selvam
- 12.V.Selvam
- 13.M.M.Veerapathiran
- 14.V.Ganappan
- 15.S.Guna @ Gunasekaran
- 16.D.Sagayam
- 17.D.George
- 18.K.Ravi
- 19.C.Selvam
- 20.K.Mariappan
- 21.Ganagatharan
- 22.A.Ranganathan
- 23.G.Annadurai
- 24.V.Appadurai
- 25.V.Annamalai
- 26.C.Chakrapani
- 27.M.Gajapathy
- 28.S.Karuna
- 29.K.Sivamani
- 30.K.Chinna Sadiyandi
- 31.T.Desingh
- 32.D.Das
- 33.Sathish
- 34.P.Gandhirajan

- 35.Bethal Nagar Pathkappu Peravai,
rep. by its President Viduthalai Chezhiyan,
No.935, 9th Street,
Bethel Nagar (North),
Enjambakkam, Chennai-115.

- 36.The Chief Secretary,
Government of Tamil Nadu,
Ex-Officio Chairperson,
State Disaster Management Authority,
Fort St. George,
Chennai-9.

- 37.The Commissioner of Land Administration,
Land Administration Department,
Ezhilagam, Chepauk, Chennai-5.

- 38.The Principal Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George, Secretariat,
Chennai-9.

39.The Secretary to Government of Tamil Nadu,
Public Works Department,
Fort St. George, Secretariat,
Chennai-9.

.. Respondents

Review Application filed under Order 47 Rule 1 r/w Section 114 of CPC seeking to review the orders dated 09.04.2015 and 28.02.2017 passed in W.P.No.12125 of 2013 on the file of this Court.

WP.No. 12125 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the encroachments made in Marsh lands and canal Poromboke areas in Survey Nos.281 282 283 284 and 285 totally 156 acres at Injambakkam Village Sozhangannallur Taluk Kancheepuram District complying the direction of the Honble Supreme Court made in Hirch Lal Tiwari - Vs - Kamala Devi and others reported in 2001 (6) SCC 496 and in accordance with Tamil Nadu Land Encroachment Act 1905 and directed to retrieve these lands.

For Petitioners	: Mr.P.Vijendran
For Respondents	: Mr.V.Jayaprakash Narayanan Government Pleader (i/c) for respondent Nos.2, 3, 36, 37, 38 and 39

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners are seeking to review the order dated 09.04.2015 as well as the order dated 28.02.2017 passed in W.P.No.12125 of 2013.

2. The order dated 09.04.2015 was passed by the then Hon'ble Chief Justice Mr.Sanjay Kishan Kaul, sitting with T.S.Sivagnanam,J. The order dated 28.02.2017 was passed by the then Acting Chief Justice Mr.Huluvadi G.Ramesh, sitting with R.Mahadevan,J. In this review application, the petitioners seek to review both the orders and the grounds also relate to both these orders.

3. It would be appropriate for the petitioners to prefer separate review applications in relation to both these orders. Thereupon, the learned counsel for the petitioners sought liberty of this Court to file separate review applications against the orders dated 09.04.2015 and 28.02.2017 passed in W.P.No.12125 of 2013. The learned counsel for the petitioners has also made an endorsement to the said effect.

4. In view of the above facts, the review application is allowed to be withdrawn, with liberty as prayed for. However, we make it clear that at the time of hearing the review applications, it is open to the respondents to raise the issue of locus of the petitioners. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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Note:

- (1) Registry is directed to return the original certified copies of the orders dated 09.04.2015 and 28.02.2017 to the learned counsel for the petitioners after replacing the same with photocopies.

To:

- 1.The District Collector,
Kancheepuram District,
Collectorate Campus,
Kancheepuram-631 501.
- 2.The Tahsildar,
Taluk Office, Sholinganallur,
No.1, Rajiv Gandhi Salai,
Kumaran Nagar,
Sholinganallur,
Chennai-600 119.
- 3.The Chief Secretary,
Government of Tamil Nadu,
Ex-Officio Chairperson,
State Disaster Management Authority,
Fort St. George,
Chennai-9.
- 4.The Commissioner of Land Administration,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai-5.

5.The Principal Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Secretariat, Chennai-9.

6.The Secretary to Government of Tamil Nadu,
Public Works Department,
Fort St. George,
Secretariat, Chennai-9.

7. The Section Officer,
E.R. Section, High Court,
Madras-104.

+1cc to Mr.P.Vijendran, Advocate, S.R.No. 74974

Rev.Aplw.No.160 OF 2019
in W.P.No.12125 of 2013

GMR(CO)
GN(30/08/2019)