



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Review Application No.209 of 2019

Against

W.P.No.28485 of 2008

1.G.Ramaswamy

2.R.Ramasundaram

3.R.Srinivasan

4.R.Narayanamoorthy

5.R.Viswanathan

6.G.Perumal

7.P.Ram Prasad

8.P.Lakshmikanthan

9.P.Elangovan

... Petitioners

Vs.

1.The State of Tamilnadu  
Rep. By its Secretary,  
Housing and Urban Development  
Department, For St., George,  
Chennai - 600 009.

2.The Special Tahsildar  
Land Acquisition,  
Neighbourhood Scheme, Salem - 8

3.The Executive Engineer &  
Administrative Officer  
Salem Housing Unit,  
Salem - 8.

... Respondents



Prayer:

Review application filed under Section 114 of Civil Procedure Code r/w Order 47 Rule 1 praying to allow this review petition by setting aside the order made in W.P.No.28485 of 2008 dated 20.08.2019.

WP.NO.28485/2008:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Notification under Section 4(1) in G.O.Ms.No.147, dated 29.03.2000 and declaration under Section 6 in G.O.Ms.No.272, dated 16.05.2001 and quash the same so far as petitioners houses are concerned in Survey No.69/2A2 to an extent of 10 cents and direct the respondents herein not to disturb the possession and enjoyment of the petitioners houses at Kottagoundanpatti Village, Omalur Taluk, Salem District.

For Petitioners : Mr.M.Elango

For Respondents : Mr.M.Elumalai  
Government Advocate

#### O R D E R

Heard Mr.M.Elango, learned counsel appearing for the petitioners and Mr.M.Elumalai, learned Government Advocate appearing for the respondents.

2. This review application has been filed to review the order in W.P.No.28485 of 2008.

3. The learned counsel appearing for the petitioners would submit that in the order dated 20.08.2019, it has been mentioned that the land in Survey No.69/2A2 was acquired by the respondents, but as per the counter affidavit, the above said survey number was not acquired by the respondents. He would further submit that in the counter affidavit it has been erroneously stated that the petitioners made some encroachment in the acquired land in S.No.69/2A and the said encroachment had been stopped by the officials of the 3<sup>rd</sup> respondent. He would also submit that even assuming that the land in S.No.69/2A2 is the Government Poramboke, the occupants/petitioners are persons interested in the land and therefore without issuing notice to the interested persons, the property cannot be acquired under



the Land Acquisition Act. Therefore, it is submitted that the writ petition ought not to have been dismissed and the order passed in the writ petition may be reviewed.

4. This Court is of the considered view that the grounds raised by the petitioners are not the grounds of review. In order to review the decision, the petitioners should be able to point out an error which is apparent on the face of the record. It is settled legal principle that a review application is not an appeal in disguise. Therefore, on the ground set out by the petitioners, this Court cannot review the order passed in W.P.No.28485 of 2008. For the above reasons, the review application is dismissed.

5. However, it is well open to the petitioners to work out their remedy in the manner known to law.

6. The review application is dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary, State of Tamil Nadu,  
Housing and Urban Development  
Department, For St., George,  
Chennai - 600 009.

2.The Special Tahsildar  
Land Acquisition,  
Neighbourhood Scheme, Salem - 8

3.The Executive Engineer &  
Administrative Officer  
Salem Housing Unit,  
Salem - 8.

+1cc to Government Pleader SR.NO. 98963

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rsk(co)  
nr 13/02/2020

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