

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2019

CORAM:

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

Review Application (Writ) No.30 of 2007
against W.P.No.14189 of 2004
and M.P.No.2 of 2007
in Review Application (Writ) No.30 of 2007

S.Aadhilakshmi

... Review Applicant

Vs.

1.Bhuvaneswari Nagar &
VGP Selva Nagar Welfare Association
rep by its President Palanisamy Thevar
No.51, VGP Selva Nagar,
Velachery, Chennai - 42.

2.The Commissioner,
Chennai Corporation,
Rippon Building,
Chennai.

3.V.G.Panneerdas & Co.,
Jones Road,
Saidapet, Chennai - 600 015.

... Respondents

Review Petition filed under Order XLVII Rule 1 of the Civil Procedure
Code against the order dated 14.03.2007 made in W.P.No.14189 of 2004.

For Review Applicant : Mr.T.R.Rajaraman, Senior Counsel
for Mr.C.V.Vijaya Kumar

For Respondents : Mr.V.Sundarraman (R1)
Mr.V.C.Selvasekaran (R2)
Mr.R.Murali (R3)
ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The Review Applicant, who is a third party, has filed the above Review Application to review the order dated 14.03.2007 passed in W.P.No.14189 of 2004.

2.The 1st respondent filed the Writ Petition in W.P.No.14189 of 2004 to issue a writ of mandamus directing the Commissioner, Chennai Corporation, the 2nd respondent to remove the encroachments and demolish the construction made by the 3rd respondent on the 40 feet public road, viz., at the entrance of V.G.P.Selva Nagar 1st Main Road in Survey No.331 of Velachery Village and thereafter, execute the repair work on the 40 feet public road.

3.The Division Bench of this Court, by order dated 14.03.2007, after considering the case of the petitioner and the 2nd respondent, the Commissioner, Chennai Corporation, allowed the Writ Petition by directing the 2nd respondent, the Commissioner, Corporation of Chennai to follow the rules/procedure and take appropriate steps for removal of the

encroachments on the 40 feet public road. The Division Bench also found that the 3rd respondent had encroached on the 40 feet public road and therefore, necessary action should be taken for removing the encroachments. While coming to the said conclusion, the Division Bench also took into consideration the Advocate Commissioner's report and also the other documents.

4. It is settled position that a Review Application can be entertained only if there is an error apparent on the face of the record. In the case on hand, the 3rd party review applicant is not in a position to point out any error apparent on the face of the record warranting review of the order passed in the Writ Petition. We do not find any error apparent on the face of the record warranting interference in the Review Application. In these circumstances, the Review Application is devoid of merits and the same is liable to be dismissed. Accordingly, the Review Application is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes
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(V.K.T., C.J.) (M.D., J.)
26.06.2019

THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY,J.

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