

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2019

CORAM:

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

Review Application (Writ) No.79 of 2019
against W.P.No.32214 of 2018
and W.M.P.No.9114 of 2019

1.S.L.Palanisamy

2.S.L.Subramani

.. Review Applications

Vs.

1.The District Collector,
O/o District Collector Erode,
Erode.

2.The Block Development Officer,
O/o Block Development Officer Bhavani,
Bhavani, Erode.

.. Respondents

Review Petition filed under Article 226 of the Constitution of India
read with Order 47 Rule 1 read with Section 114 of the Civil Procedure Code
against the order dated 06.12.2018 made in W.P.No.32214 of 2018

For Review Applicant : Mr.V.Balamurugane

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

ORDER

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

The petitioners have filed the above Review Application to review the order dated 06.12.2018 made in W.P.No.32214 of 2018.

2.The petitioners have filed the Writ Petition in W.P.No.32214 of 2018 to issue a Writ of certiorari to call for the records relating to the impugned order passed by the 2nd respondent dated 21.08.2018 and to quash the same.

3.This Court, by order dated 06.12.2018, dismissed the Writ Petition. While dismissing the Writ Petition, we took into consideration the reasoning given by the 2nd respondent in the impugned order stating that the petitioners, on their own gave the land in Survey No.505/1 to the Panchayat for laying a road and that the 2nd respondent has also laid a road in the said land. In respect of Survey No.505/2, since the petitioners have encroached the water-body, we have observed that the 2nd respondent has rightly rejected the request made by the petitioners. Now, the petitioners have filed the above Review Application to review the order passed in the Writ Petition in W.P.No.32214 of 2018.

4.The learned counsel appearing for the petitioners submitted that the authorities are conducting enquiry in respect of the Survey No.505/1 for giving the said land to them and till such time, the respondents may be directed to maintain status-quo in respect of Survey No.505/2.

5.Since the petitioners have encroached the water-body in Survey No.505/2, their possession cannot be protected. That apart, it is settled position that unless there is an error apparent on the face of the record warranting interference, the Review Application cannot be entertained. There is no error apparent on the face of the record warranting interference in this Review Application. The petitioners have not pointed any error apparent on the face of the record as contemplated under Order 47 Rule 1 of the Civil Procedure Code. The Review Application is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes
va

(V.K.T., C.J.) (M.D., J.)
13.06.2019

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

va



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