

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

Rev.Aplw.No.190 of 2019
in W.P.No.30006 of 2008

1. G.Ranganathan
2. Balarama Mandhiri
3. Venkatesan

...Petitioners

Vs.

1. The Special Commissioner and
The Commissioner for Land Administration,
Chepauk, Chennai 600 005.
2. The District Revenue Officer,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
4. The Tahsildar,
Cheyyar Taluk,
Thiruvannamalai District.

Respondents

PRAYER: The Review Application is filed under Order 47 Rule 1 CPC r/w Article 226 of the Constitution of India to review the order passed by this Court in W.P.No.30006 of 2008, dated 30.08.2019 and allow the Writ Petitioner to file title deeds regarding S.No.413 by affording an opportunity and decide the matter afresh.

For Petitioners	: Mr.P.Muthu Krishnan
For Respondents	: Mr.A.N.Thambidura, Spl.G.P.

ORDER

The Review Application has been filed to review the order passed in W.P.No.30006 of 2008.

2. The above Writ Petition was filed challenging the order of the second respondent, in and by which, the application filed by the petitioners for issuance of patta was rejected and the petitioners also sought for a direction to the respondents 2 to 4 to grant patta in their favour.

3. According to the petitioners, they have been in possession of the property having an extent of 13 acres and 40 cents in Survey No.413 at Natteri Village, Cheyyar Taluk, Thiruvannamalai District since 1952. It is seen that the patta granted in favour of the petitioners was cancelled on 26.10.1994 under Section 9(1) A of Act 29 of 1963. The petitioners unsuccessfully challenged the cancellation order before the Tribunal and before this Court and after obtaining liberty filed a suit in O.S.No.440 of 1989 by the petitioners against the Tahsildar. Taking advantage of the ex-parte decree passed in the suit, the petitioners approached the respondents for issuance of patta in the land referred supra. The second respondent rejected the application by the order impugned in the Writ Petition. The Writ Petition came to be dismissed by

observing that the decree obtained in O.S.No.440 of 1989 would not help the case of the petitioners as the ex-parte decree is void, in view of the decision of the Hon'ble Division Bench in the case of **Meenakshisundaram Textiles vs. Valliammal Textiles Ltd. 2011 3 CTC 168.**

4. Mr.P.Muthu Krishnan, learned counsel for the petitioners would argue that even the ex-parte decree passed in O.S.No.440 of 1989 is a valid decree and the application filed by the respondents seeking condonation of delay in setting aside the ex-parte decree was also dismissed and the order was confirmed by this Court in CRP.No.365 of 1995 on 16.05.1995. According to the learned counsel, until the ex-parte decree is set aside in the manner known to law, the respondents are bound by the decree. The petitioners are having sufficient materials to prove their possession and they can be given liberty to file another suit.

5. Per contra, Mr.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that the validity of the decree passed in O.S.No.440 of 1989 was already considered and the petitioners cannot re-argue the same and if they are aggrieved by the decision of this Court, they have to prefer an appeal.

6. In the instant case, from a perusal of the records, it is evident that this Court had already held the decree passed in O.S.No.440 of 1989 would not help the case of the applicant and it is also observed that the petitioners have not produced any document to prove their alleged possession from the year 1952. It is a settled legal principle that a review application is not an appeal in disguise. In the review application, petitioners cannot be permitted to re-argue the same point. Further this Court does not find any error apparent on the record. Hence, the Review Application is dismissed as devoid of merits. No costs.

19.11.2019

Index: Yes/No

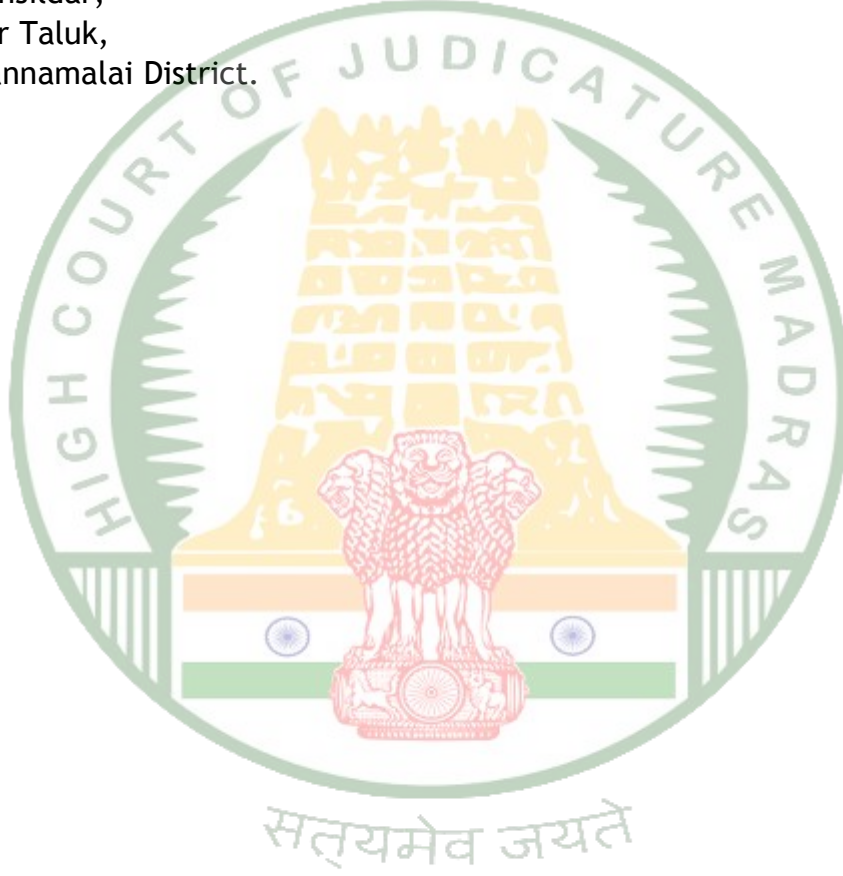
Internet: Yes/No

Speaking Order/Non Speaking Order
pvs

WEB COPY

To

1. The Special Commissioner and
The Commissioner for Land Administration,
Chepauk, Chennai 600 005.
2. The District Revenue Officer,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
4. The Tahsildar,
Cheyyar Taluk,
Thiruvannamalai District.



WEB COPY

Rev.Aplw.No.190 of 2019

K.KALYANASUNDARAM, J.

pvs



Rev.Aplw.No.190 of 2019
in W.P.No.30006 of 2008

WEB COPY

19.11.2019