

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2019

CORAM

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE M.SUNDAR**

Review Application No.19 of 2017
and
W.M.P.Nos.5959 and 5950 of 2017
in
W.P.No.18656 of 2016

T.Balakrishnan
S/o.Thangamuthu

.. Petitioner/Petitioner

-VS-

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Chennai Metropolitan Roads,
Saidapet, Chennai-600 015.
- 3.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Metropolitan Road, Sub Division-I,
Saidapet, Chennai-600 015.
- 4.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Chennai Metropolitan Roads, Sub Division-III,
Saidapet, Chennai-600 015.

5.P.Munusamy, S/o.Perumal Naicker

6.P.Alamelu, D/o.Perumal Naicker

7.P.Subramani, S/o.Perumal Naicker

[RR 5 to 7 are represented by their General
Power of Attorney, Mr.T.S.Venkataraghavan]

8.The Additional Director General of Police, DBCID.

[RR 5 to 8 are impleaded as per order dated
15.06.2016 in W.P.No.18656 of 2016] ..
Respondents/Respondents

Review Application under Order 47 Rule 1 read with Section 114
of Code of Civil Procedure, 1908 to review the order dated 10.02.2017
in W.P.No.18656 of 2016.

For Applicant : Mr.Ashok Memon
For RR1 to 4 : Mr.A.Zakir Hussain,
Government Advocate

ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Heard Mr.Ashok Menon, learned counsel for the review
applicant; and Mr.A.Zakir Hussain, learned Government Advocate for
respondents 1 to 4.

2.This review application has been filed to review the order and direction issued in W.P.No.18656 of 2016, dated 10.02.2017. The operative portion of the order read as follows:-

"2. On perusal of the material on record, we issued notice and there was sufficient material to prima facie suggest that the transaction in question was fraudulent in which collusion of authorities concerned looked apparent since the pattas could not have been issued without their complicity. We had impleaded the investigating authority concerned as a party, apart from the other private parties. However, in view of the situation, we had directed status quo to be maintained. We may note that on the land in question a motor cycle garage is being run.

3. The Deputy Superintendent of Police, CB-CID, Kancheepuram, has handed over a report in the Court which shows complicity of private parties and Government officers in fabricating government records and issuing pattas. It is thus stated that since case has already been registered by the Crime Branch in Crime No.182 of 2011 on 6.10.2011 and the same was being investigated by the Chennai City CCB, the offences committed by Government authorities and other private individuals may also be investigated in the case. We order accordingly.

4. The learned Government Pleader states that the relevant documents will be accordingly forwarded and on completion of investigation a charge sheet will

be filed. He requests for one month's time, which we hereby grant.

5. For the purposes of this writ petition, it is sufficient to note that the investigations have shown complicity of the previous owners as well as the petitioner and as the criminal justice system will take care of the proceedings in pursuance thereto, there can be no question of providing protection to the petitioner in such a situation, especially under Article 226 of the Constitution of India. Land grabbing is something which needs to be put down with a firm hand and that too by creating documents.

6. We, thus, dismiss the writ petition and vacate the interim orders. However, we grant the petitioner fifteen days time to himself remove the encroachment, failing which the respondent authorities would proceed in terms of the impugned notice. No costs. Consequently, W.M.P.Nos.16323 of 2016 and 1042 of 2017 are dismissed."

3.It is the submission of Mr.Ashok Menon, learned counsel for the review applicant that the applicant has purchased a land to an extent of 3174 sq.ft., in S.No.148/1 in Korattur Village by way of a registered sale deed and the applicant's vendor has perfect title, which has been passed on to the applicant and on account of the direction issued by this Court in the writ petition, the matter was

being investigated by the CBCID and later, the applicant came to know that the allegation was in respect of another receipt of land which is in fact, connected to the applicant's land. From the affidavit filed by the District Collector, Thiruvallur, we find that it was reported to the Court that the transactions done in respect of S.No.148/1 are wholly fraudulent and the transactions were not restricted to any particular extent.

4.In any event, these are all grounds which the applicant cannot canvass in a review application. The applicant having miserably failed to establish any error which is apparent on the face of the record, is not entitled to maintain this review application.

5.For the above reasons, this review application stands dismissed. No costs. Consequently, connected miscellaneous petitions closed.

WEB COPY

(T.S.S., J.) (M.S., J.)
12.07.2019

Index : Yes/No
Speaking/Non-Speaking Order

abr

T.S.Sivagnanam, J.
and
M.Sundar, J.

(abr)

To

- 1.The District Collector,
Thiruvallur District, Thiruvallur.
- 2.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Chennai Metropolitan Roads,
Saidapet, Chennai-600 015.
- 3.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Metropolitan Road, Sub Division-I,
Saidapet, Chennai-600 015.
- 4.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Chennai Metropolitan Roads, Sub Division-III,
Saidapet, Chennai-600 015.
- 5.The Additional Director General of Police, DBCID.

Review Application No.19 of 2017
in W.P.No.18656 of 2016

WEB COPY

12.07.2019