



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

REV.APLW (MD) NO.26 OF 2019

(Through Video Conference)

WEB COPY

1. Mayalagu
2. Adaikalam
3. Vellaisamy
4. Andiyappan
5. Vellaisamy
6. Pandian
7. Murugesan
8. Subbiah
9. Prabhu
10. Saravanan
11. Adaikalam

.. Petitioners / Respondents 6 to 16
Vs.

1. C.Sundarapandian
2. The District Collector, Collectorate,
Sivagangai District.
3. The Sub Collector,
Sub Collector Office, Devakottai,
Sivagangai District.
4. The Tahsildar, Tahsildar Office,
Devakottai, Sivagangai District
5. The Head Quarters Surveyor,
Tahsildar Office,
Devakottai, Sivagangai District
6. The Tahsildar,
Tahsildar Office, Karaikudi,
Sivagangai District.

.. Respondents 2 to 6 / Respondents

PRAYER:- Review Petition filed under Section 114 and Order 47, Rule 1 of CPC against the order dated 02.01.2018 made in WP (MD) No.2967 of 2017 on the file of Madurai Bench of Madras High Court.

Prayer in WP(MD)NO.2967 OF 2017

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd Respondent herein to remove the encroachments in the Tank situated in Survey No.36, Hectare 7.14.5 Ars, in Aambakudi Group, Karaikudi Taluk, Sivagangai District by considering the petitioners representation dated 27.09.2016.

For Petitioner : Mr. K.K.Samy
For Respondents : Mr. A.K. Baskarapandian,
Spl. Govt. Pleader



ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The 6th respondent in the writ petition has filed the Review Application for reviewing the order dated 2.1.2018 passed in WP (MD) No.2967 of 2017.

2. The 2nd respondent/writ petitioner filed the said writ petition for issuance of a Writ of Mandamus, directing the 3rd respondent therein, to remove the encroachments in the Tank situated in Survey No.36, Hectare 7.14.5 Ares, in Aambakudi Group, Karaikudi Taluk, Sivagangai District by considering the petitioner's representation dated 27.09.2016.

3. This Court, vide order dated 2.1.2018, has disposed of the Writ Petition and the operative portion of the order is extracted hereunder;

' 6. Though the petitioner sought for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representation dated 27.09.2016 or in this Writ Petition, directs the fifth respondent to consider the same on merits and in accordance with law, after putting respondents 6 to 16 on notice, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as respondents 6 to 16.'

4. Learned counsel appearing for the petitioner would submit that the writ petition filed by the 1st respondent is not a Public Interest Litigation for the reason that Marudhi and 15 others including the petitioner has filed a civil suit in O.S.No.2 of 2011 on the file of Principal District Judge, Karaikudi against the Village Administrative Officer, Ambakudi Group, Muthur Village, Muthupattinam, Deputy Tahsildar, Sakottai, Tahsildar, Karaikudi, Government of Tamil Nadu, represented by the Collector, Sivagangai praying for a permanent injunction restraining the defendants therein, from interfering with their peaceful possession and enjoyment of the land admeasuring 7.14.5 hectares in Survey No.36, Ambakkudi village, Muthur Village, Karaikudi Taluk, Sivagangai District and also to declare the notice dated 2.12.2016 issued by the 2nd respondent as null and void and also for a mandatory injunction directing the defendants to issue patta in favour of defendants 2, 3 and 4 and the said suit is still pending without interim order.

5. It is also brought to the notice of this Court by the learned counsel appearing for petitioner that the writ petitioner has gone abroad and therefore service to him was effected through



Whatsapp and the proof of service has also been filed.

6. It is also submitted by the learned counsel appearing for the petitioner, challenging the eviction notice issued in compliance of the order which is sought to be reviewed in this review application, the petitioner filed W.P.MD.9697 of 2018 and it came to be disposed of with certain directions.

7. This Court has carefully considered the submissions and also perused the materials available before it .

8. A perusal of plaint in O.S.No.2 of 2012 on the file of Principal District Judge, Karaikudi would prima facie disclose that the petitioner is having neither a document or title, nor a patta, but however, claims to be in possession of the suit schedule property. This Court is not inclined to express any opinion as to the merits, or otherwise of the said suit. In the order, which is the subject matter of the Review, this Court, merely directs the respondents to consider the representation of the petitioner dated 27.9.2016 and dispose of the same in accordance with law, after putting on notice the respondents 6 to 16 therein, which including the petitioner also, the order merely directs the concerned official to follow the due process of law and therefore, the petitioner is not said to be aggrieved by the said order. In the considered opinion of this Court, there is no error apparent on the face of record which warrants exercise of review jurisdiction. In the result, the review application is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MSR

To

1. The District Collector,Collectorate,Sivagangai District.
2. The Sub Collector,Sub Collector Office,Devakottai,Sivagangai DT
- 3.The Tahsildar,Tahsildar Office,Devakottai,Sivagangai District
- 4.The Head Quarters Surveyor,Tahsildar Office,Devakottai,
Sivagangai District
- 5.The Tahsildar,Tahsildar Office, Karaikudi,Sivagangai District.

+1CC TO M/S.K.K.Samy, Advocate, Sr.No.6481

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SMA/28/02/2020/3P/7C

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