



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

REV.APLC. (MD) No.129 of 2014

IN

W.A.(MD) No.722 of 2014

P.Ponnuraj ... Petitioner/4th Respondent

vs.

1. M.Nallathambi ... Respondent/Appellant

2. The Special Tahsildhar
Urban Land Tax Scheme
Dindigul Taluk Office
Dindigul

3. H.Hassan Banu

4. H.Noor Banu ... Respondents/Respondents

PRAYER : Application is filed under Order XLVII Rules 1 and 2 r/w Section 114 C.P.C., to review the order dated 30.06.2014 passed by this Court in W.A.(MD) No.722 of 2014.

Prayer in WA(MD). 722/ 2014 :

Appeal filed under Clause 15 of the Letters Patent against Order dated 17.04.2014 made in WP(MD).No.17661/2013.

Prayer in WP(MD). 17661/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Mandamus, to forbear the Respondent No.1 from conducting enquiry for patta properties in survey No.356, 360, 362, 368, 374, 378-A in an extent of 174 cents at 5th ward, T.V.A Nagar, Dindigul Town, Dindigul District.

For Applicant : Mr.S.Karthik

For Respondents : Mr.A.K.Baskarapandian

Special Govt. Pleader for R2

Mr.N.Sathish Babu for R3 & R4

**ORDER****[Order of the Court was made by K.K.SASIDHARAN, J.]**

This review application, at the instance of the fourth respondent in W.A.(MD) No.722 of 2014, seeks review of the Judgment, dated 30 June, 2014, primarily on the ground that his plea with regard to the right of the first respondent herein in respect of the property in question was not recorded.

2. Heard the learned counsel for the review applicant, Mr.A.K.Baskarapandian, learned Additional Government Pleader appearing on behalf of second respondent and Mr.N.Sathish Babu appearing on behalf of respondents 3 and 4.

3. The review applicant appears to have filed a counter affidavit in the writ petition to the effect that the first respondent herein has no right over the property in dispute. The said submission appears to have not been recorded by the Court.

4. There is no question of reviewing a Judgment only on the ground that a particular submission has not been recorded by the Court. The fact remains that the counter affidavit filed by the review applicant contained the plea that the first respondent herein has no right, title or interest over the property in dispute. Since the counter affidavit is already on record, there is no need for indicating the said plea in so many words. We are, therefore, of the view that no review is necessary to incorporate the plea that the first respondent has no right over the property in dispute. It is always open to the applicant to raise those issues before the concerned Court, if he is so advised.

5. The review application is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Special Tahsildhar,
Urban Land Tax Scheme,
Dindigul Taluk Office,
Dindigul.

KRK

TE/ARK-PV : 08/08/2016 : 2P/2C

REV.APLC. (MD) No.129 of 2014

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