



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM

Review Application (MD) No.57 of 2020

and

C.M.P. (MD) No.6370 of 2020

in

W.A. (MD) No.1513 of 2017 in

W.P. (MD) No.23410 of 2015

(Through Video Conferencing)

S.J.Fruitcin Praisor ..Review Petitioner/Appellant/Writ petitioner
Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil - 629 001.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil - 629 001.

3.The Inspector of Police,
Thiruvattur Police Station,
Kanyakumari District. ... Respondents/Respondents/Repondents

Review Petition is filed under Order XLVII Rule 1 of the Code of Civil Procedure read with Section 114 of the Code of Civil Procedure to review the order passed in W.A.(MD) No.1513 of 2017 dated 04.08.2020.

prayer in WA(MD).No.1513 of 2017

Writ Appeal filed under Clause 15 of letters patent against the order dated 13.11.2017 made in WP(MD).No.23410 of 2015.

Prayer in WP(MD). 23410/ 2015 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in D.Dis.C3/40391/15 dated 19.11.2015, quash the same and consequently forbearing the respondents from interfering with the peaceful conduct of house prayer of the petitioner in S.No.280/17 and now RS.No.280/17A1 situated at Kannanur Village, Kannanur Desom, Viyanoor, Kalkulam Taluk, Marthandam, Kanyakumari District.

For Petitioner : Mr.R.Russel Raj



O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

(Through Video Conferencing)

The only ground on which the petitioner seeks to review the writ appeal is that, pending the writ appeal, he had the benefit of interim orders, under which, the prayer activities went on.

2.It is well settled position of law that any interim order passed in pendency of the writ appeal would be closed on final disposal of the writ appeal. In fact, this Court has taken note of the concern expressed by the learned counsel appearing for the petitioner and granted liberty to him to approach the Collector of Kanyakumari District and submit an undertaking affidavit, with a further direction to the Collector to take a call in the matter. It is well settled position of law that, review is not an appeal in disguise, and in the absence of any error apparent on the face of the records, it cannot be entertained.

Accordingly, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil - 629 001.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil - 629 001.
- 3.The Inspector of Police,
Thiruvattur Police Station,
Kanyakumari District.

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MJ(CO)
KB(07.01.2021) 2P 4C