



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.11446 of 2021

L.Chidambaram

Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer/The Sub Collector,
Devakottai,
Ramnagar,
Sivagangai District.

3.The Tahsildar,
Devakotttai Taluk,
Sivagangai District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the Review Application filed by the petitioner dated 22.04.2021 against the order made in Pa.Mu.P1/20362/2019, on the file of the first respondent dated 30.01.2021.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.R.Suresh Kumar
Government Advocate

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to dispose of the review application filed by the petitioner on 22.04.2021.

2. Heard Mr.V.Kannan, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

3. In the considered view of this Court, the first respondent does not have any review power. The Hon'ble Supreme Court in the case of **Haryana State Industrial Development Corporation Limited Vs. Mawasi** reported in **2012 4 CTC 554** has categorically held that the power of review is a creature of statute. It was further held that such a review power cannot be exercised unless the authority is legally empowered.

4. On a careful reading of the review petition filed by the petitioner, it is seen that the petitioner is virtually attempting



to re-agitate the issue before the first respondent. Apart from the fact that the first respondent does not have a review power, it is also seen that in the guise of review, the entire appeal cannot be re-agitated.

5. In view of the above, the petitioner has to necessarily work out his remedy against the order passed by the first respondent in the appeal and a review petition cannot be maintained before the first respondent.

6. Except giving this clarity, no further orders can be passed in this Writ Petition.

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer/The Sub Collector,
Devakottai,
Ramnagar,
Sivagangai District.

3.The Tahsildar,
Devakotttai Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-22131[F] dated 12/07/2021)

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DKS (CO)

LR (16.07.2021) 2P 5C

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