



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

WEB COPY THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Review Application.(MD). No.133 of 2019

in

Writ Appeal.(MD).No.497 of 2019

1.Seetharaman

2.Chellappan

.. Review Petitioners/Respondents/
Petitioners

Vs.

1. The State of Tamil Nadu rep. by

The Commissioner & Secretary to Government,
Land Administration Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,

Collectorate, Tiruchirappalli.

3.The District Backward Class &

Minority Welfare Officer,
Collectorate, Tiruchirappalli.

4.The Tahsildar, (Adi Dravida Welfare),

Tiruchi Road, Thuraiyur,

Tiruchirappalli - District.

.. Respondents / Appellants /
Respondents

Review Application filed under Order 47 Rules 1 and 114 of CPC to review the order dated 19.06.2019 in W.A.(MD)No.497 of 2019, on the file of the Madurai Bench of Madras High Court.

Prayer in WA(MD)No.497 of 2019 :

Writ Appeal is filed under clause 15 of letter patent, to set aside the order dated 01.08.2019 made in W.P.(MD)No.9364 of 2009.

Prayer in WP(MD)No.9364 of 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Declaration, declaring the cancellation of patta 1187 in Musiri west Village in Musiri Taluk, Trichy District by deletion of the petitioners name in null and void and consequently directing the Respondents to correct the revenue records suitable by sub division of lands and issue necessary patta to them.



For Review Petitioners : Mr.V.Karuna
For respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

WEB COPY

O R D E R

(The Order of the Court was made by **K.RAVICHANDRABAABU, J.**)

This Review Petition is filed to review the order made in W.A. (MD)No.497 of 2019, dated 19.06.2019.

2.Heard the learned counsel appearing for the review petitioners and the learned Special Government Pleader appearing for the respondents and perused the grounds raised in the review petition.

3.The review petitioners as writ petitioners in W.P.(MD) No.9364 of 2009, sought for a declaration to declare the cancellation of patta 1187 in Musiri West Village, Musiri Taluk, Trichy District by deletion of the petitioners' names as null and void and consequently for a direction to the respondents in the writ petition to correct the revenue records suitably by subdivision of lands and issue necessary patta to them. The Writ Court, by order dated 01.08.2018 disposed the said writ petition by setting aside the cancellation of patta and also with a direction to the revenue authorities to issue patta in the name of the petitioners in respect of the subject matter land. Challenging the said order, the official respondents filed the above writ appeal.

4.After hearing both parties in the writ appeal, we found that the challenge made in the writ petition against the cancellation of patta, was only a consequential proceedings arising out of acquisition proceedings taken in respect of the subject matter land. Therefore, we observed that if the petitioners have any grievance either against the acquisition proceedings or in respect of award, it is always open to them to seek appropriate relief by way of filing appropriate petition and not by way of writ petition as prayed before the Writ Court. Thus, we allowed the writ appeal and set aside the order of the Writ Court, however by grating liberty to the petitioner to work out their remedy in the manner known to law before the appropriate Civil Court.

5.Now, the learned counsel appearing for the review petitioners sought to contend that as against the land acquisition proceedings, the petitioners cannot challenge the same before the Civil Court and therefore, the order made in the writ appeal has to be reviewed. Scope of appeal and review is different and distinguishable one and so one cannot be equated with the other to re-agitate the matter by raising grounds, which were already raised



before us at the time of hearing the writ appeal. We have already made it clear in our order that the challenge made in the writ petition is only against a consequential proceedings and therefore, if the petitioners seek for declaration, in respect of such patta issue, it is for them to work out their remedy before the Civil Court by filing appropriate Civil Suit. If the petitioners are still aggrieved against such findings, it is for them to work out their remedy before the appellate forum and not by way of seeking review once again by raising the contentions already raised at the time of hearing the writ appeal. It is to be made clear at this juncture that the order passed in the writ appeal is arising out of the issue/challenge made in the writ petition, which is undisputably not an issue with regard to land acquisition proceedings but in respect of patta proceedings. Therefore, the petitioner is not justified, as if his right, if any, to agitate against land acquisition proceedings, is either curtailed or decided in the writ appeal. The grounds raised in the review petition do not satisfy the requirement warranting exercise of the review jurisdiction. Therefore, we find that the review application is totally misconceived.

6. Accordingly, we find no reason to entertain this Review petition. Thus, the Review Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CSL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

1. The Commissioner & Secretary to Government,
The State of Tamil Nadu,
Land Administration Department,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Collectorate, Tiruchirappalli.

3. The District Backward Class &
Minority Welfare Officer,
Collectorate, Tiruchirappalli.



4.The Tahsildar, (Adi Dravida Welfare),
Tiruchi Road, Thuraiyur,
Tiruchirappalli - District.

WEB COPY

+1CC TO MR.V.KARUNA, Advocate Sr. No.79500
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.79440

Review Application.(MD). No.133 of 2019
in

Writ Appeal.(MD).No.497 of 2019
01.08.2019

DB(CO)
TR (29.08.2019) 4P 7C