



Rev.Appln.No.162 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Rev.Appln.No.162 of 2021
in W.P.No.6380 of 2009

R.Ravichandran

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

2.The Health Officer,
Corporation of Chennai,
Chennai.

... Respondents

Prayer : Review Application filed under Order 47 Rule 1 of Civil Procedure Code, to review the order passed by this Court dated 03.07.2019 in W.P.No.6380 of 2009 and allow the Review Petition.

For Petitioner : Mr.P.Wilson (Senior Counsel)

ORDER

This Review Application has been filed to review the order passed by this Court dated 03.07.2019 in W.P.No.6380 of 2009.



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2. Though the review application can be maintained only on clerical error on the face of record, in the present case, inadvertently the petitioner's claim that the land which was possessed by the petitioner originally, was not considered while passing order in the above said Writ Petition.

3. Since no adverse orders are being passed, notice to the respondents is dispensed with.

4. The learned Senior Counsel appearing on behalf of the petitioner submitted that the review petitioner owned a land in Survey No.196/1 measuring about 41 ½ cents and in Survey No.196/3 measuring about 23 cents and the said properties were acquired by way of registered partition deed. While that being so, the said land was encroached by the 1st respondent/Corporation for the purpose of burial ground for payment of compensation and removal of encroachment, the petitioner filed W.P.No.6380 of 2009 before this Court and this Court, by order dated 03.07.2009, recorded the memo filed by the 1st Respondent/Corporation and directed the 1st Respondent/Corporation to hand over an extent of 26.5 cents to the petitioner and allowed the petitioner to execute a gift deed in favour of the Corporation to an extent of 0.5 cents. However, there is no order with



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regard to the balance land owned by the petitioner, in which, already the Corporation agreed to pay a fair compensation to them. In view of the fact that the Corporation failed to pay the compensation, which is not sustainable, the petitioner needs clarification in the above order.

5. Admittedly, this Court passed the order based on the memo filed by the 1st respondent/Corporation recording that 26.5 cents of land were handed over to the petitioner after fencing by the Corporation and the that gift deed would be executed by the petitioner only with regard to an extent of 0.5 cents in favour of the Corporation for the purpose of burial ground.

6. A perusal of the materials available on record, more particularly the order passed by this Court reveals that the petitioner in the present case has come before this Court claiming that he owned 37.5 cents of land and seeking compensation for the balance portion of land that was acquired by the Corporation, by placing reliance upon the letter dated 25.11.2008 in and by which it is alleged that the Corporation agreed to pay fair compensation. However, a perusal of the order dated 03.07.2019, passed by this Court reveals that only an extent of 27 cents was taken into consideration in the said order based on which order was passed on the said date. In such a



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backdrop, it would not be right on the part of the petitioner to agitate his rights in respect of the piece of land, which was not considered by this Court in the writ petition. If at all the petitioner is aggrieved, the petitioner has to file necessary claim petition before the Corporation claiming fair compensation and this review at the behest of the petitioner is impermissible.

7. For the reasons aforesaid, no case arises for review in the present petition. Accordingly, this review application is dismissed. However, it is open to the petitioner to file necessary claim petition before the Corporation claiming fair compensation in respect of the portion of land, which is alleged to have been acquired by the Corporation. No costs.

09.03.2022

Index : Yes / No
Speaking order : Yes/No
Psa

To

1.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

2.The Health Officer,
Corporation of Chennai,
Chennai.



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M.DHANDAPANI, J.

Psa

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