



Rev.Appl.No.62 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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- 1.T.Indira
- 2.K.B.Hanumantha
- 3.CJ.Bhuvaneswari
- 4.C.C.Dilip
- 5.Sureshkumar Galada
- 6.A.Subrahamanyam
- 7.D.Mahendra Kumar
- 8.C.L.Nirmala
- 9.S.Ambujam Ammal
- 10.Dhanraj Ranka
- 11.C.Tarachand
- 12.Chengan Kanwar
- 13.P.Jagadambegai

... Petitioners

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary, Revenue Department,
Fort St.George, Chennai – 600 009.
- 2.The Special Commissioner &
Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
- 3.The Assistant Commissioner,
Competent Authority, Urban Land Ceiling,
(Madhavaram, P.H.Road, Chennai – 600 060)
- 4.The chairman, Tamil Nadu Slum Clearance Board,
Chennai – 600 004.

... Respondents



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PRAYER: Review Petition filed under Section 114 of Civil Procedure Code to review the order dated 14.02.2013 passed in W.P.No.29160 on the file of this Court and delete the portion of the order remanding the case to the 3rd respondent to initiate fresh proceedings by giving notice under Section 11(5) of Act 24 of 1999.

For Petitioners : Mr.V.Ramesh

For Respondents : Mr.U.Bharanidharan

ORDER

This Review Petition have been filed by the petitioners to review the order dated 14.02.2013 passed in W.P.No.29160 on the file of this Court and delete the portion of the order remanding the case to the 3rd respondent to initiate fresh proceedings by giving notice under Section 11(5) of Act 24 of 1999.

2.The case of the petitioners is that the petitioners purchased the property from one Kashthuribai in the year 1983, who derived the same by virtue of a Settlement Deed dated 30.12.1982. The said Kashthuribai, later on, sub divided the property settled to her into small plots and sold the same to the petitioners. Meanwhile, there were proceedings under



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Land Acquisition Act to acquire the land in S.No.75/1 etc., situated in Kodungaiyur Village and a Notification under Section 4(1) dated 03.02.1984 in G.O.Ms.No.61, Housing and Urban Development was published on 03.02.1984. Several persons who had purchased the land filed Writ Petitions before this Court challenging the acquisition proceedings and one such Writ Petition No.2847 of 1984 relates to the land in S.No.75 of Kodungaiyur Village and the same was allowed vide order dated 20.08.1996 and the said proceedings were quashed, whereas, the 3rd respondent failed to recognise the petitioners as the owners of the property, acquired the lands in the name of the said Kasthuribai. In the said order, an extent of 1.41 Acres in S.No.75/1 was alone taken into account for the purpose of determination of excess vacant land. Therefore, the petitioners were not aware of the orders of acquisition dated 24.12.1986 under Section 9(5) of the Act followed by the notice dated 22.01.1992 under Section 11(5) of the Act. As against the said notice, the petitioners filed Writ Petition in W.P.No.29160 of 2003 before this Court and this Court vide its order dated 14.02.2013 disposed of the same by setting aside a portion of the order passed by the 3rd respondent. Aggrieved against the same, the petitioners have preferred this Review Petition.



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3.Though as against the order passed by this Court, this Review application is filed, however, the State had also preferred an appeal in W.A.No.3409 of 2019 and the Division Bench of this Court dismissed the said Writ Appeal. In such circumstances, it is prayed by the learned Senior Counsel that in view of the same, this Review Application may be closed granting liberty to the Petitioner to file appropriate Review Application before the Division Bench of this Court as against the order made in W.A.No.3409 of 2019.

4.On the above said submissions, heard the learned counsel appearing for the respondents.

5.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents

6.In the view of the stand taken by the Review Petitioners, the Review Petition is closed granting liberty to the petitioners to file fresh Review Application before the Division Bench to review the order made in W.A.No.3409 of 2019.



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7.This Review Application is closed with aforesaid liberty. No

costs.

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Index : Yes / No

Speaking order : Yes / No

gba

To

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for The Government of Tamil Nadu,
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- 2.The Special Commissioner &
Commissioner of Land Reforms,
Chepauk, Chennai – 600 005.
- 3.The Assistant Commissioner,
Competent Authority, Urban Land Ceiling,
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