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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WMP. No.17508 of 2021
in
Review No.SR64783 of 2021
in W.P.No.5324 of 2005

G.Ravi ..Petitioner/Sought to file the above
Review Application No. SR64783/2021
in this Court.

Vs.

1.M.S.Govindarajan

2.The Special Commissioner &
Commissioner of Land Reforms,
Chepauk, Chennai-5.

3.The Assistant Commissioner,
Competent Authority,
Urban Lan Tax & Urban Land Ceiling,
T.Nagar,
349, Arcot Road,
Kodambakkam, Chennai-24.

..Respondents

Petition filed under Article 151 of Cr.P.C, to grant leave in favour of the petitioner to file a review petition as against the order passed by this Court in W.P.No.5324 of 2005 dated 25.11.2005.

Prayer in W.P.No.5324 of 2005: This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the respondent relating to orders under section 9(5) passed by the 2nd respondent dated 10/8/1979 vide ref. A3/A.68/Ada/78 dated 1/9/79 vide ref.A3/A-69/Ada/78 is respectively and notice under section 11(5) dated 19-12-1980 vide ref.A3/4476/79 and dated 14/10/80 respectively, in respect of land in S.No.7/1 Block No.14, Kotturpuram Village, measuring 4 Grounds and 694 sq.ft. which is in my possession, out of a larger extent of 33 grounds and 328 sq.ft. and quash the same and further direct the 2nd respondent to treat all proceedings relating to the acquisition of the above land as abated under section 4 of Tamil Nadu Urban Land Ceiling and Regulation Act 20 of 1999.



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For Petitioner : Mr. P.Paramasiva Doss

For Respondents : Mr. T.Thiyagarajan R1
Mr. G.Nanmaran R2 & 3
Special Government Pleader

O R D E R

The petition has been filed to grant leave in favour of the petitioner to file a review petition as against the order passed by this Court in W.P.No.5324 of 2005 dated 25.11.2005.

2. The grievance of the petitioner is that the first respondent has encroached the government pathway. For removal of the encroachment made by the first respondent in respect of the pathway, he made a representation to the Government. The Government has rejected the said representation made by the petitioner. However, the Government issued notice to the first respondent herein under Section 11(5) of the Urban and Land Ceiling Act. Hence, the first respondent herein had filed a writ petition in W.P.No.5324 of 2005 challenging the said notice issued under Section 11(5) of the Urban and Land Ceiling Act and this Court, vide its order dated 25.11.2005, allowed the same in favour of the first respondent.

3. In the meanwhile, the District Collector vide his proceedings dated 29.11.2011, rejected the representation dated 04.08.2010 made by the petitioner for removal of the encroachment. Challenging the proceedings of the District collector, the petitioner has filed a writ petition in W.P.No.3260/2019 before this Court. The Hon'ble Division Bench of this court was pleased to dismiss the said petition on 26.09.2019. Hence, the petitioner has filed the present miscellaneous petition to grant leave to the petitioner to file a review petition as against the order passed by this Court in W.P.No.5324 of 2005 dated 25.11.2005.

4. Heard the learned counsel for the petitioner/review petitioner and perused the material available on record.

5. The learned Counsel for the review petitioner raised the same grounds that were raised before this Court in Writ Petition. The grounds raised in the affidavit filed in support of the petition is also the same that was raised in the Writ petition.

6. The power of review is very limited and the matter cannot be allowed to be reheard. The Court may allow review on three specified grounds viz.,



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"(i) discovery of new and important matter or evidence, which after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by him at the time when the decree was passed or order was made;

(ii) mistake or error apparent on the face of the record; and

(iii) for any other sufficient reason".

7. The scope of review is always very limited. In this review application, the applicant has not made out a case that this Court has failed to look into or consider any materials that was produced before this Court or there is an error apparent on the face of the records, so as to invoke the jurisdiction under Order XLVII Rule 1 of Code of Civil Procedure.

8. Since the grounds raised by the petitioner in this petition has already been considered and rejected by this Court, absolutely there is no reason to review the order dated 25.11.2005 in W.P.No.5324 of 2005 passed by this Court.

9. In the result, this miscellaneous petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Rli

To

1.The Special Commissioner &
Commissioner of Land Reforms, Chepauk, Chennai-5.

2.The Assistant Commissioner,
Competent Authority, Urban Lan Tax & Urban Land Ceiling,
T.Nagar, 349, Arcot Road, Kodambakkam, Chennai-24.

+1cc to Government Pleader SR. No.13770

WMP. No.17508 of 2021 in
Review No.SR64783 of 2021
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RSI (CO)
PR (08/04/2022)