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Review Application No.108 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

Review Application No.108 of 2022

1.K.Prabhavathi
2.K.M.Santhosh Kumar

... Petitioners

Vs.

- 1.K.Radhakrishnan
- 2.The District Collector
Thiruvallur,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruttani,
Thiruvallur District.
- 4.The Deputy Director,
Thiruvallur District Town and
Country Planning Office,
43/397-A, 2nd Floor,
Annai Indra Gandhi Salai,
Rajajipuram Phase-II,
Thiruvallur – 602 001.
- 5.The Deputy Director,
Chengalpattu District Town and
Country Planning Office,
124, GST Road,



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Periyar Shopping Complex,
Chengalpet – 603 001.

6.The Commissioner,
Tiruttani Municipality,
Tiruttani Taluk,
Thiruvallur District.

7.The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of Code of Civil Procedure, to review the order dated 25.05.2022 made in W.P.No.12959 of 2022 on the file of this Court by allowing the Review Application.

For Petitioner	: Mr.N.Manoharan
For Respondents	: Mr.R.Singaravelan, Senior Counsel for Mr.R.Jayaprakash (for R1) Mr.R.Ravindran, Additional Advocate General asst. by Mr.T.Arunkumar (for R2 to R7) Additional Government Pleader

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Review Application on hand has been instituted to review the orders dated 25.05.2022 passed by this Court in W.P.No.12959 of 2022. The following



directions are issued in the Writ Petition,

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“7. Accordingly, the official respondents are directed to verify the records pertaining to the year 1980 available in Chengalpattu office within a period of four weeks and thereafter, initiate all appropriate actions to remove the encroachments, illegal constructions, statues etc. and keep the public streets for the free usage of public at large in that locality. It is needless to state that the authorities before removing the encroachments are bound to follow the provisions of the Tamil Nadu Land Encroachment Act, 1905, by issuing appropriate notice and by receiving objections from the persons concerned, if any submitted. With the above directions and observations, this Writ Petition is disposed of. No costs. Connected Miscellaneous Petition is closed.”

2. Mr.N.Manokaran, learned counsel for the Review Petitioner would mainly contend that, the order passed by the Revenue Divisional Officer on the date of passing of the order in the Writ Petition by this Court, the subject property was declared as private property. The other revenue proceedings issued by various authorities would also reveal that the property is a private property.

3. With reference to the grounds raised in the Review Application, we are of the considered opinion that direction was issued to the respondents in the



Writ Petition to verify the records pertaining to the year 1980, available in

Chengalpattu Office within a period of four weeks and thereafter initiate appropriate actions, if any encroachment, illegal constructions etc., are identified. This Court has not formed an opinion regarding the property right of the party. If at all, the competent authority could able to identify encroachment, they are bound to initiate all appropriate actions. In the event of wrong decision, if any by the Revenue Authority, the aggrieved person has to establish his civil right through original documents and evidences by approaching competent Court of law. The Writ Court cannot declare title or ownership, which is to be done in the manner known to law. Since the order sought to be issued is a direction to the Authorities to verify the records and initiate appropriate action against encroachment, we do not find any reason to consider the present Review Application.

4. The grounds raised on merits cannot be adjudicated in a Review Application. The petitioner fails to establish any error apparent on record warranting interference by this Court in exercise of Review Jurisdiction.

5. Accordingly, the Review Application is dismissed. No costs.



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[S.M.S., J.]

[C.S.N., J.]

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Index: Yes/No

Speaking/Non-speaking order

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