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C.M.P.No.18776 of 2022 in Rev.Appl.SR.No.86718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.P.No.18776 of 2022

in

Rev.Appl.SR.No.86718 of 2022

Arulmighu Kannan Radha Rukmani
Thirukoil Samaya Arakkattalai – Uthandi,
Reg.No.2381 / 2006,
No.2/55, Kannabiran Koil Street,
Uthandi, Chennai – 600119.
Rep.by its Treasurer,
R.Dhananjeyan.

... Petitioner

Versus

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

2.Mallika Bhan

3.The Panchayat President,
Uthandi Village Panchayat,
Uthandi, Chennai.



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4.The District Collector,
Kancheepuram District,
Formerly Kancheepuram District,
Now Chennai District.

5.M/s.VGP Housing Private Limited,
Rep.by its Director,
VGP House, Hospital Road,
Saidapet, Chennai – 600 015.

... Respondents

[Cause title accepted vide order dated 1.03.2022
made in CMP.No.3088 of 2022]

Prayer : Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code, 1908, to grant to implead the petitioner in W.A.SR.No.15587 of 2022, disposed on 23.03.2022 as Review Applicant/Proposed Party and posted for review by this Court.

For Petitioner : Mr. S. N. Amarnath

For Respondents : Mr. S. Silambanan, Additional Advocate General.
Assisted by Mrs.P.T.Ramadevi, Senior Counsel,
for Corporation of Chennai.

ORDER

D.Bharatha Chakravarthy. J.,

The petitioner seeks leave of this Court to file a Review Application against the order dated 23.03.2022 in C.M.P.No.4846 of 2022 and W.A.SR.No.15587 of 2022.



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2.By order dated 21.11.2019 in W.P.No.15476 of 2008, a learned Single Judge of this Court passed the following order :-

“10. Considering the facts and circumstances of the case, this Court is of the view that, burial as well as the cremation of dead bodies in the above layout is in violation of the provisions of CCMC Act. In the said circumstances, the 3rd respondent Corporation is directed to take suitable action to stop burial or cremation of dead bodies in the above said place. Further, considering the fact that, the villagers are using the place for burial and cremation for quiet long time, the 3rd respondent Corporation is directed to provide a suitable alternative place for burial and cremation of dead bodies, if it is not already available. Accordingly, this Writ Petition stands allowed, and the 3rd respondent Corporation is directed to take action within a period of twelve weeks from the date of receipt of the copy of this order. No costs. Consequently, the connected Miscellaneous Petition in M.P. 1 of 2008 is also closed.”

3.As against the above order, the Commissioner of Chennai Corporation filed the C.M.P.No.4846 of 2022, praying to condone the delay of 703 days in filing the Writ Appeal in W.A.SR.No.15587 of 2022.



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4.By order dated 23.03.2022, in C.M.P.No.4846 of 2022 and W.A.SR.No.15587 of 2022, after considering the reasoning of the learned Single Judge and considering the reasons mentioned in that affidavit filed in support of the application for condonation of delay, this Court rejected the prayer for condonation of delay. It is useful to extract the operative portion of the said order which reads as hereunder:-

“7.In the light of the aforesaid, we do not find any reason for the Chennai Corporation to file this appeal. If any party is aggrieved by the order of the learned Single Judge, it could have been the Villagers. Therefore, we do not find any reason to maintain the appeal and, accordingly, the same is dismissed at the SR stage. Finding no justification for the delay, the application for condonation of the delay is also dismissed. There is no order as to costs.”

Thus, it can be seen that while rejecting the appeal filed by the Corporation of Chennai, if any other party is aggrieved by the Order of the learned Single Judge, it is observed that they would be appropriate persons to file an Appeal.



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5.Perusal to the grounds of the Review Application shows that the petitioner is also aggrieved by the Order of the learned Single Judge. If so, as observed in Paragraph No.7 extracted supra, it can only maintain its own Appeal as against the said Order and filing of the Review Application in the appeal filed by the Corporation of Chennai and praying for condonation of delay on behalf of the Corporation, cannot be permitted and hence, the above application in C.M.P.No.4846 of 2022 is without any merits and is rejected. Consequently, the Review Application in Rev.Appl.No.SR.86718 of 2022, is also rejected at the S.R stage itself.

(T.R.,A.C.J.) (D.B.C.,J.)
23.12.2022

Index : yes/no
Speaking/Non speaking order

klr

To

- 1.The Commissioner,
Greater Chennai Corporation, Rippon Building, Chennai – 600 003.
- 2.The Panchayat President,
Uthandi Village Panchayat, Uthandi, Chennai.
- 3.The District Collector, Kancheepuram District,
Formerly Kancheepuram District, Now Chennai District.



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**THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

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