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Rev.Aplw.No.169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MRS.JUSTICE N.MALA**

Rev.Aplw.No.169 of 2022
in
W.P.No.1013 of 2022

S.Muthusamy

.. Petitioner

Vs.

1. The District Collector,
Perambalur District,
Perambalur.

2. The Divisional Engineer (High ways),
CKIPC Division, Cuddalore.

3. The Assistant Divisional Engineer (Highways)
CKIPC Sub-Division, Perambalur.

.. Respondents

PRAYER: This Petition is filed under Order 47 Rule 1 Read with Section 114 of C.P.C, to review the order dated 22.08.2022 in WP.No.1013 of 2022.

For Petitioner : Mr.M.Muthappan
For R1 to R3 : Mr.P.Muthukumar, GP



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ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

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This petition is filed by the Review Applicant, who is the petitioner in WP No. 1013 of 2022, seeking to review the order dated 22.08.2022 passed by this Court in the said writ petition.

2. According to the Review Applicant, he filed the aforesaid Writ Petition seeking to issue a direction to the respondents to remove and evict the encroachments made in Survey Nos. 79 and 63 of Ammapalayam Village and to connect the storm water channel up to the level of main stream located in Eastern and Western side of Perambalur-Thuraiyur Highways at Ammapalayam Village in order to drain the excess rain water freely. However, the Writ Petition was dismissed on 22.08.2022, on the ground that the encroachers /adjacent pattadars were not made as parties to the writ proceedings. It is the further case of the review applicant that the respondents have not complied with the second limb of the prayer relating to connect the storm water channel in the Eastern side of the main stream and that, they have partly connected the portion by deepening the channel using machinery on the western side of the main road in order to connect the main stream, but they



have not deepened the Eastern side of the main road. Thus, the respondents did not comply with the prayer of the review applicant in entirety. Moreover, there is no necessity to implead the encroachers, since the respondents themselves admitted in their report that they removed the encroachment in S.No.79 of Ammapalayam Village. Therefore, this Review Application.

3.When the matter was taken up for consideration, the learned counsel for the review applicant restricted the relief sought herein and submitted that it would suffice, if liberty is given to the review applicant to file appeal before the appellate authority seeking the second limb of the prayer viz., connect the storm water channel upto the level of the main stream, so as to drain the excess river water freely.

4.The learned Government Pleader appearing for the respondents has no serious objection for granting such liberty to the review applicant. He further submitted that in the event of filing of such appeal, the same will be considered and appropriate orders, be passed by the appellate authority, on merits and in accordance with law.

5.In view of the above, this court, without expressing any opinion on the



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merits of the case, directs the review applicant to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order. On filing of such appeal, the appellate authority shall consider the same and pass appropriate orders, on merits and in accordance with law, that too, after affording reasonable opportunity of hearing to all the parties, as expeditiously as possible.

6. With the aforesaid directions, this review application stands disposed of. No costs.

[R.M.D., J.] [N.M., J.]
23.12.2022

Index : Yes / No
Internet : Yes / No
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To

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