



Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAISWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019

The Anna Nagar People Welfare Sangam,
Tharamani
having registration No.207 of 2014
rep by its Secretary S.Paramanathan
having Trust Office at
No.16A, MGR Street,
Anna Nagar, Tharamani,
Chennai – 600 113

.. Review Applicant

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai – 600 003.
- 2.The Zonal Engineer, Zone XIII,
Greater Chennai Corporation,
L.B.Road, Adyar, Chennai – 600 020.
- 3.The Area Manager, Zone XIII,
Office of the Chennai Metropolitan
Water Supply & Sewerage Board,
Indira Nagar, Adyar, Chennai – 600 020.



Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019

4.The Tahsildar,
Velachery Taluk,
Gandhi Road, Seva Nagar,
Velachery, Chennai – 600 042.

5.The Deputy Commissioner of Police,
Adyar Range, Adyar, Chennai – 600 020.

6.The Assistant Commissioner of Police,
Thiruvanmiyur Range,
Thiruvanmiyur, Chennai – 600 041.

7.The Inspector of Police,
J-13, Tharamani P.S.,
Kanagam, Chennai – 600 113.

8.M.Ranjitham

9.Gopalakrishnan .. Respondents

Review Application filed under Order 47 Rule 1 of the Code of Civil Procedure against the order passed in W.P.No.14950 of 2019 dated 07.08.2019.

For Review Applicant : Mr.R.Balachanderan

For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader
(R1 to R7)

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The Writ Petitioner/Association has filed the Review Application to review the order dated 07.08.2019 passed in W.P.No.14950 of 2019.



**Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019**

WEB COPY

2.The petitioner filed the Writ Petition to issue a Writ of Mandamus to direct the respondents 1 to 4 to maintain the schedule public road as public road without being encroached by the 8th respondent and/or by any other persons in future enabling the residents of Tharamani Village to use the same for their ingress and egress.

3.The Division Bench of this Court, after taking into consideration the case of both sides and also the judgment and decree passed in the suit in O.S.No.954 of 1992 and the Second Appeal in S.A.No.1748 of 2018, dismissed the Writ Petition. While dismissing the Writ Petition, the Division Bench, took note of the findings giving by the learned Single Judge in the Second Appeal in S.A.No.1748 of 2018, wherein it has been stated that the plaintiffs in O.S.No.954 of 1992 failed to establish that the suit property was a public road. When the learned Single Judge found that the street in question is not a public street, we cannot interfere with the judgment and decree passed in the Second Appeal. The judgment and decree passed in the Second Appeal has become final.



**Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019**

WEB COPY

4.The scope under Order 47 Rule 1 of the Code of Civil Procedure is limited. Unless there is an error apparent on the face of the record warranting interference in the judgment, the Review Application cannot be entertained. In the guise of Review Application, the review applicant cannot re-argue the matter. The Review Application cannot be treated as an appeal in disguise. The Review Applicant is not in a position to point out any error apparent on the face of the record warranting interference. In these circumstances, the Review Application is devoid of merits and the same is liable to be dismissed. Accordingly, the Review Application is dismissed. However, it is open to the review applicant to work out their remedy in accordance with law. No costs.

Index : Yes/No
va

**[M.D., J.] [T.V.T.S., J.]
28.03.2022**



WEB COPY



**Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019**

**M.DURAI SWAMY, J.
and
T.V.THAMILSELVI, J.**

va

**Review Application (Writ).No.213 of 2019
against W.P.No.14950 of 2019**

28.03.2022