



Review Application (MD)No.46 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Review Application (MD)No.46 of 2012

Somasundaram Muthuramakrishnan ... Review Petitioner/
Petitioner

Vs.

1.The State of Tamilnadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.

2.The Tamilnadu Housing Board,
Represented by its Chairman,
Anna Salai, Nandanam,
Chennai-600 035.

3.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

4.The District Collector,
Madurai.

... Respondents/
Respondents

PRAYER : Review Application filed under Order 47, Rule 1 & 2 and Section 114 of the Civil Procedure Code, to allow the review petition and review the order passed by this Court in W.P(MD)No.13761 of 2011, dated 08.12.2011.



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For Petitioner : Mr.A.Sivaji
For R-1 & R-4 : Mr.P.Thambidurai
Government Advocate
For R-2 & R-3 : Mr.R.Sivakumar
Standing Counsel

ORDER

The present review application has been filed to review the order, dated 08.12.2011, made in W.P(MD)No.13761 of 2011.

2. According to the learned Counsel for the review applicant, the lands of the review applicant have been acquired for the purpose of Housing Board. The said lands were not utilized for the purpose for which they were acquired. Hence, the petitioner had sought for a Writ of Mandamus, in W.P(MD)No.13761 of 2011, directing the Housing Board to reconvey the said land as contemplated under Section 48-B of the Land Acquisition Act, 1894. The said writ petition was dismissed by this Court on 08.12.2011, on the ground that the right of the petitioner is a doubtful right and hence, a Mandamus cannot be issued. However, the Housing Board authorities, after considering the request of the writ petitioner have passed an order on 21.11.2011, rejecting the request of the writ petitioner for re-conveyance. The order of the Housing Board, dated 21.11.2011 has been challenged in W.P(MD)No.12989 of 2012.



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3. The learned Counsel for the review applicant now contends that unless the order made in W.P(MD)No.13761 of 2011 is reviewed, his right with regard to challenging the order of the Housing Board, dated 21.11.2011 would get affected. I am afraid that the apprehension of the review applicant is unfounded.

4. W.P(MD)No.13761 of 2011 has been filed seeking a Writ of Mandamus, as against the authorities for reconveyance of the land. W.P(MD)No.12989 of 2012 has been filed challenging an order passed by the Housing Board, rejecting the prayer of the writ petitioner, seeking reconveyance of the land. The cause of action for both the writ petitions are completely different. Hence, any order passed in W.P(MD)No.13761 of 2011 will not affect the rights of the writ petitioner in W.P(MD)No. 12989 of 2012.

5. In view of the above said observations, no further orders are required in the review application. The review application stands closed. There shall be no order as to costs.

11.08.2022

Index : Yes / No

Internet : Yes / No

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R.VIJAYAKUMAR, J.

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Order made in
Review Application (MD)No.46 of 2012

Dated:
11.08.2022