



Rev.Aplc.(MD)No.61 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

**Rev.Aplc.(MD)No.61 of 2022
and CMP (MD) No.15403 of 2022**

M.Ganesan

: Review Petitioner

Vs.

1.S.Ganesan

**2.The District Collector
Thoothukudi District
Thoothukudi.**

**3.The Revenue Divisional Officer,
Tiruchendur Taluk
Thoothukudi District**

**4.The Tahsildar,
Sathankulam
Thoothukudi District**

: Respondents

PRAYER: Review petition is filed under Order 47 Rule 1 & 2 read with 114 of the Code of Civil Procedure against the order passed in W.P(MD) No.14466 of 2022 dated 07.07.2022.



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For Review Petitioner : Mr.S.Mani
For Respondents : Mr.V.Sorimuthu for R1
Mr.A.K.Manikkam for R2 to R4
Special Government Pleader

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Today, Mr.Muthuramalingam, Village Administrative Officer, Arasur Part I Village, Sathankulam and Mr.M.Ravi Chinnadurai, Assistant, Sathankulam Taluk Office, Tuticorin are present.

2. On 07.07.2022, we passed the following order:

“Alleging that some persons have put up a concrete stage in the public road in Survey No.1427/21, Arasur II Village, Sathankulam Taluk, Thoothukudi District, the present public interest litigation has been filed for a direction to respondents 1 to 3 to consider the representation dated 11.04.2022 said to have been given by the petitioner and remove the encroachments.

2. Heard Mr.V.Sorimuthu, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.



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3. Today, Mr.E.Senthil Kumar, Village Administrative Officer, Arasanur I Village, Sathankulam Taluk and Mr.M.Bhagyaraj, Village Menial, are present.

4. On instructions, learned Special Government Pleader submitted that Survey No.1427/20 has been classified as a “Vacant Plot” and Survey No.1427/21 has been classified as a “Street”. He further submitted that a concrete stage has been put up in Survey No. 1427/21, which is a public street.

5. Recording the same, we direct the respondents 1 to 3 to immediately remove the concrete stage in Survey No.1427/21, Arasur II Village, Sathankulam Taluk, Thoothukudi District, in accordance with law and send the compliance report to this Court within four weeks, provided, it is found that the concrete stage has been constructed on the street.

6. With the above direction, this writ petition stands closed. No costs.”



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3. Thereafter, one Mr.M.Ganesan filed an application in WMP(MD) No.14107/2022 in Review Application (W) SR No.49282 of 2022 seeking leave of this Court to file a review application for reviewing our order dated 07.07.2022.

4. After hearing Mr.S.Mani, learned counsel for Mr.M.Ganesan and Mr.A.K.Manikkam, learned Special Government Pleader, we granted leave on 25.08.2022. Thereafter, the said Mr.M.Ganesan filed an application in WMP (MD) No.14799/2022 under Section 5 of the Limitation Act for the condonation of 11 days delay in filing Rev.Aplw. (MD) SR No.49282 of 2022, which was allowed by this Court. After hearing all the counsel including Mr.V.Sorimuthu, learned counsel for Mr.S.Ganesan, we directed the Registry to number the application and post it today.

5. Heard Mr.Mani, learned counsel for Mr.M.Ganesan (review petitioner) and Mr.A.K.Manikkam, learned Special Government Pleader.



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6. Though the review petitioner has raised several points in his review application, we are not advertent to all of them except the fact that in a writ petition in W.P.(MD) No.19426/2021 that was filed by M.Ganesan (review petitioner herein), brother Abdul Quddhose, J., has passed a very detailed order on 21.02.2022 in respect of the present subject matter. It is seen that S.Ganesan was impleaded as 4th respondent in W.P.(MD) no.19426/2021 by the learned single Judge on 14.12.2021 in W.M.P.(MD) No.18766/2021. Thus, S.Ganesan was a party in W.P. (MD) No.19426/2021 that was filed by M.Ganesan, in which, as stated above, Brother Abdul Quddhose,J., has passed a very detailed order on 21.02.2022, whereas, S.Ganesan had not mentioned a word about the order dated 21.02.2022 in the present public interest litigation. Had we known about the said order, we are afraid, we would not have passed the order dated 07.07.2022 under review. Hence, on this short ground, this review application deserves to be allowed and the order dated 07.07.2022 requires to be recalled.

7. We implead Mr.M.Ganesan as respondent No.4 in W.P.(MD) No. 14466/2022 and the Registry is directed to make necessary amendment.



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Mr.S.Mani, learned counsel, takes notice for Mr.M.Ganesan in W.P.(MD)
No.14466/2022.

8. In the result, this review application in Rev.Aplw(MD) No. 61/2022 is allowed and the order dated 07.07.2022 in W.P.(MD) No. 14466/2022 is hereby recalled. W.P.(MD) No.14466/2022 may be posted before the appropriate Bench for further orders. No costs. Consequently connected Miscellaneous Petition is closed.

[P.N.P., J.] & [R.H., J.]
02.09.2022

Index : Yes/No
Internet : Yes
RR

To

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P.N.PRAKASH, J
AND
R.HEMALATHA, J
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Order made in
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