



REV.APLW.No.226 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

REV.APLW.No.226 of 2022

Chief Executive Officer,
Cantonment Board,
St.Thomas Mount,
Chennai-16.

... Petitioner

Vs.

1.K.Vijayan

2.D.Babu

3.D.Ravi

4.K.Ravi

5.Daniel Inbaraj

6.S.Murugesan

7.S.Mohammed Riyaz

8.S.Mohammed Kasim

9.The Divisional Engineer (H),
Chennai Metropolitan Development and Planning,
Division-IV, Chennai-16.



REV.APLW.No.226 of 2022

WEB COPY

10.Assistant Engineer (H),
Highways Department (Construction and Maintenance),
City Roads Sub-Division,
Chennai-15. ...Respondents

PRAYER : Review Application is filed under Order 47 Rule 1 C.P.C r/w.
Section 114 C.P.C., to review the order dated 16.03.2021 passed in
W.P.No.2062 of 2021.

For Petitioner : Mr.C.Mohan
for M/s.King and Partridge

For Respondents : Mr.Naveen Kumar
Government Advocate

ORDER

This Review Application has been filed to review the order, dated
16.03.2021 passed in W.P.No.2062 of 2021 by this Court, in respect of an
observation made by this Court in the said order that the first respondent
is not having any objection for utilisation of the land for public purpose.

2. The said observation has been made by this Court on the ground
that the State Highways Authority requires the land for the development



REV.APLW.No.226 of 2022

of road and expansion of bridge in the area.

WEB COPY

3. The learned Senior Counsel appearing for the review petitioner brought to the knowledge of this Court the Standard Operating Procedure on transfer of defence land for infrastructure project, which has been framed by the Principal Directorate of Defence Estates on 05.01.2021 and submits that any transfer of defence land for public utilities and public infrastructure project can be made only as per the Standard Operating Procedure, dated 05.01.2021.

4. However, the Standard Operating Procedure, dated 05.01.2021 was not placed before this Court at the time of passing of the order, dated 16.03.2021. Since the Standard Operating Procedure dated 05.01.2021 has been framed by the Principal Directorate of Defence Estate on 05.01.2021 prior to the order of this Court dated 16.03.2021, the order dated 16.03.2021 passed by this Court is modified to the effect that the review petitioner shall take a decision on the request if any made from the Assistant Engineer (H), Highways Department (Construction and



REV.APLW.No.226 of 2022

WEB COPY

Maintenance), for expansion of bridge in the area as per the Standard Operating Procedure, within a reasonable time.

5. Accordingly, this Review Application is allowed. There shall be no order as to costs.

22.11.2023

Index: Yes/No
Internet: Yes/No
ssb



WEB COPY



REV.APLW.No.226 of 2022

B.PUGALENDHI, J.

ssb

REV.APLW.No.226 of 2022

22.11.2023