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C.M.P.Nos.10268 & 10269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P.Nos.10268 & 10269 of 2022

and

Rev.Appl.Sr.Nos.129857 & 129858 of 2019

The Special Tahsildar (LA),
Outer Ring Road Project,
Chennai Metropolitan
Development Authority,
Egmore, Chennai - 600 008
Now office at Koyembedu
Wholesale Market Complex,
Chennai.

... Petitioner in both petitions

Versus

1.Shanthi

.. 1st Respondent in C.M.P.No.10268/2022

1.Sasirekha

.. 1st Respondent in C.M.P.No.10269/2022

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Egmore, Chennai-600 008.

.. 2nd Respondent in both petitions

C.M.P.Nos.10268 & 10269 of 2022: Petitions filed under Order 4 Rule 9(4) of AS Rules, to condone the delay of 957 days in representing the above Review Appeal SR.Nos.129857 & 129858 of 2019 against the Order passed in A.S.Nos.518 & 519 of 2011 dated 25.04.2017.



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Rev.Appl.Sr.Nos.129857 & 129858 of 2019: Review Applications filed under Order 47 Rule 1 read with 114 of C.P.C., to review the Judgment and Decree dated 25.04.2014 made in A.S.Nos.518 & 519 of 2011.

In all the cases:

For Petitioner	: Mr.T.Chandrasekaran Special Government Pleader
For Respondents	: Mr.K.Ravi for R1

COMMON ORDER

These civil miscellaneous petitions are filed seeking to condone the delay of 957 days in representing the above Review Appeal SR.Nos.129857 & 129858 of 2019 against the Order passed in A.S.Nos.518 & 519 of 2011 dated 25.04.2017

2. The only reason stated in the affidavit filed in support of these petitions that since, the papers were mixed up with the other bundles of the Government Pleader's Office, the same could not be filed immediately. Hence, there was a delay. The review application is filed mainly on the ground that the Division



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Bench of this Court in its judgment dated 19.03.2018 passed in A.S.Nos.17 to 26 of 2010 fixed the land value at Rs.15,405/- per cent after giving 1/3rd deduction towards developmental charges. Therefore, the same yardstick has to be applied in the present cases.

3. It is relevant to note that in respect of the same notification under section 4[1] of the Land Acquisition Act, several appeals have been filed before this court and challenging the judgments of this Court SLP has also been filed before the Supreme Court, wherein the Supreme Court has held that 50% deduction towards development charges cannot be permitted. Therefore, this Court is of the view that merely on the basis of judgment in A.S.Nos.17 to 26 of 2010, the judgment of this Court cannot be reviewed, since this matter has already reached finality in the Supreme Court.

5. Insofar as the condone delay petitions are concerned, this Court is of the view that reasons stated for condoning the delay are neither candid nor convincing. Thus, this Court is not inclined to condone the delay.



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6. Accordingly, the condone delay petitions are dismissed and the review applications stands rejected in the SR stage itself. No costs.

04.09.2023

dhk/vrc

Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No

To

1. The Special Tahsildar (LA),
Outer Ring Road Project,
Chennai Metropolitan
Development Authority,
Egmore, Chennai - 600 008
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Chennai.

2. The Member Secretary,
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N. SATHISH KUMAR, J.

dhk/vrc

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