



C.R.P. No. 2926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.22.08.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**  
C.R.P. No. 2926 of 2023

1. P. Venugopal

P. Palanisamy

2. Sulochana

3. Lenin Selvi

4. Lenin Selvam

...Petitioner

.Vs.

1. Union of India  
Represented by Chief Secretary,  
Puducherry

2. The Deputy Collector, Land Acquisition,  
Government of puducherry

..Respondents

**Prayer:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set-aside the order dated 09.02.2019 in Un number Review petition S.R.No.2991 of 2016 in the award passed in LAOP No.2 of 1998 dated 09.01.2015

For Petitioner : Mr. C.B. Muralikrishnan



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## **ORDER**

This petition is filed to direct the learned III Additional Sessions Judge, Puducherry number the Unnumbered Review petition S.R.No.2991 of 2016 and take the same on file.

2. The case of the petitioner is that he has filed a Review petition to review the order passed in LAOP No.2 of 1998 on 09.01.2015 and the same was rejected. The reasons stated for rejection is that the petition cannot be entertained due to the reason that the errors indicated by the petitioner should be decided only in an appeal and not in the Review petition and further stated if the petitioner is aggrieved by the order passed against him he can very well prefer an appeal. The learned Judge further made an observation in the impugned order that there is no error in the order passed in LAOP No.2 of 1998 on 09.01.2015 and rejected the Review petition on 09.02.2019. Hence the petitioner has come forward with this petition seeking to number the Review petition.



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3. The learned counsel for the petitioner submitted that the learned Judge should have not questioned regarding the merits of the case only at the time of arguments and not at the time admission of the petition. Hence he prays this Court to allow this petition.

4. Since this Civil Revision petition has been filed against the return of unnumbered suit, there is no need to issue notice to the respondent.

5. On a perusal of the impugned order it is seen that the Court below had questioned about the merits of the case, which is irrelevant at the time of numbering of the Review petition. When a Review petition is filed, the Court should not go into the merits of it and first the Court must number the Review petition, if it is otherwise in order and pass orders after giving opportunity to the parties concerned.

6. Accordingly, this Civil Revision is allowed and the order dated 09.02.2019 in Unnumbered Review petition in S.R.No.2991 of 2016 is hereby set aside. Considering the said fact if the petition filed in



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S.R.No.2991 of 2016 has not yet been numbered, the learned III Additional Sessions Judge, Puducherry is directed to number the same as expeditiously as possible. No order as to costs.

22.08.2023

smn

Index : Yes/No

Internet: Yes/No

Note : **Registry is directed to return the original applications to the petitioner, if any.**

To.

1. Union of India

Represented by Chief Secretary,  
Puducherry

2. The Deputy Collector, Land Acquisition,  
Government of Puducherry

3. The III Additional Sessions Judge, Puducherry



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**V.BHAVANI SUBBAROYAN,J.**  
Smn

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