



CMP.No.18852 of 2023
in Rev.Appl.SR.No.74343 of 2021

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T.V.THAMILSELVI, J.

This petition has been filed to condone the delay of 820 days in filing this review application in Review.SR.No.47343 of 2021 against the order passed in S.A.No.510 of 2019, dated 26.04.2019, on the file of this Court.

2. The learned counsel for the petitioner submitted that the petitioner is the third party to the second appeal proceedings, she filed this condone delay application, in respect of the order passed by this Court in S.A.No.510 of 2019, dated 26.04.2019.

3. The learned counsel for the respondent submitted that the second respondent herein filed the suit for declaration and other consequential injunction against the first respondent in respect of reserve site measuring an extent of 6322 sq.ft. in item No.1 and 4648 sq.ft. in item No.2 in the suit schedule properties earmarked for public purpose as per approved layout No.22/71. It is relevant to state that the property of the petitioner herein is not included in the suit properties though the same is also reserve site



earmarked for public purpose. The second respondent is the promoter has got no power to retain the reserve site earmarked in the approved layout and subsequently he cannot seek declaration to declare the reserved site earmarked for public purpose. The second respondent is the promoter has got no power to retain the reserve site earmarked in the approved layout and subsequently he cannot seek declaration to declare the reserved site earmarked for public purpose in the approved layout. The trial Court allowed the suit filed by the second respondent in O.S.No.1490 of 2003 and the same was also confirmed by the first appellate court in A.S.NO.114 of 2007. Aggrieved against the same, the first respondent preferred the second appeal in S.A.No.510 of 2019 before this Court and the same was allowed. Aggrieved against the same, the second respondent herein filed SLP and the same was dismissed. Thereafter, the second respondent filed the review application and the same is pending for consideration in Review Application No.101 of 2022 in S.A.No.510 of 2009. He further submitted that the petitioner has no locus standi to file the present review petition along condone delay of 520 days on the ground that the Special Leave petition filed by the petitioner before the Hon'ble Supreme Court in SLP



Diary No.8014 of 2021 was dismissed on 29.06.2021. The petitioner is not party in the suit proceedings or appeal proceedings does not have any right to file a review application being a third party in the above said proceedings. Moreover, the property of the petitioner is not included in the suit schedule property and she cannot get any relief by filing the present review application only on the ground that the respondent Corporation issued encroachment notice mentioning the above Second appeal Number does not give any right to file the review petition along with the condone delay. Hence, raised objection to condone the delay.

4. Considering the submissions on both side counsels, admittedly the petitioner also admits that her property is not included in the suit property, therefore the objection raised by the first respondent is recorded. Furthermore, the petitioner has filed the writ petition in W.P.No.13724 of 2023 challenging the encroachment notice issued by the first respondent and the same is pending also taken note of it.



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5. Accordingly, this Civil Miscellaneous Petition is dismissed.

20.09.2023

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