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Rev.Appl.No.225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Rev.Appl.No.225 of 2022

in

W.P.No.6481 of 2005

Modelez India Foods Private Limited,
(Formerly Cadbury India Limited),
Registered Office : Unit 2001,
20th Floor, Tower-3 (Wing-C),
One International Center, Parel,
Mumbai – 400 013.

... Petitioner / Petitioner

Vs.

1. The Land Commissioner (Land Reforms),
Chepauk,
Chennai - 600 005.
2. The Assistant Commissioner (Land Reforms),
Erode.
3. Arangaswamy Gounder
4. M.Kumar
5. T.Masanam
6. T.Lakshmanan
7. M.Subramaniam
8. V.Mariappan
9. M.Dandapani
10. N.Masani *alias* Periya Maakali
11. K.Balasubramaniam *alias* Kuppusamy
12. M.Dhandapani



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13. S.Kannidiyannan
14. A.Arumugam
15. K.Rangasamy
16. N.Karnan
17. K.Patchaikaran
18. S.Janaki
19. K.Paramasivam
20. M.Thirumurthy
21. S.Nagarajan
22. A.Dhandapani
23. K.Dhandapani
24. K.Arumugam
25. K.Karuppusamy
26. C.Rajendran
27. S.Karuppusamy
28. S.Nagendran
29. P.Nagamuthu
30. M.Chinnasamy
31. V.Subramaniam
32. V.Palanisamy
33. K.Malaiyandi
34. D.Thukkaiyappan
35. M.Veluchamy
36. K.Sadaian
37. Tmt.N.Boopathy
38. M.Dandapani
39. T.Santhanammal
40. M.Thukkaiyappan
41. Tmt.Thukkaiyammal
42. Tmt.I.Aarayi
43. Tmt.Kaliammal
44. M.Thukkaiyappan
45. A.Sankarappan

... Respondents / Respondents

PRAYER : Petition filed under Order-XLVJ Rule 1 r/w 114 of the Civil Procedure Code to review the order dated 28.02.2022 and made in



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For Petitioner : Mr.T.R.Rajagobalan
Senior Counsel

ORDER

This Review Application has been filed against the order passed by this Court in W.P.No.6481 of 2005 dated 28.02.2022 on two grounds, viz., firstly that after selling the lands in favour of the petitioner, the same has been shown by the land owner, which has been declared as surplus and secondly, even when the petitioner is ready and willing to offer alternate lands, the respondents submit that the order has become final. Therefore, on the above two grounds, which were canvassed, review is sought for by the petitioner.

2. This Court, vide order dated 28.02.2022 had passed the following order:

"10. However, considering the limited request sought for by the petitioner, this Court, without interfering with the impugned order dated 13.12.2004 passed by the 1st respondent in proceedings D1/R.P 18/04 (L.REF), grants permission to the petitioner / Company to make a fresh application before the 1st respondent for alternative land



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proposals in lieu of the surplus land acquired by the 1st respondent under the Land Reforms Act, along with a copy of this order within a period of eight weeks from the date of receipt of a copy of this order, enabling the respondents 1 and 2 to allot the same to the beneficiaries. On receipt of such application, the 1st respondent is directed to consider the same on merits and pass appropriate orders, in accordance with law within a period of six weeks thereafter, and allot the very same extent of land to the beneficiaries concerned.”

3. From the above, it is clear that insofar as offer of alternate land is concerned, this Court had already granted relief to the petitioner, which when pointed out by this Court, learned senior counsel appearing for the petitioner, fairly submitted that erroneously, without adverting to the said order, this petition has been filed and, therefore, sought the permission of this Court to close this application with further liberty to the petitioner to file the application as has been directed by this Court in its order dated 28.02.2022 and further the time granted be extended so as to enable the petitioner to file the application.



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4. In view of the fair stand taken by the learned Senior Counsel appearing for the petitioner, while this review application is closed, this Court grants a further period of four weeks from the date of receipt of a copy of this order for the petitioner to file fresh application as directed in the order dated 28.02.2022 in W.P. No.6481 of 2005 and on receipt of the said application, the first respondent is directed to consider the same on merits and pass appropriate orders, in accordance with law within a period of six weeks thereafter.

5. With the above directions, this Review Application is closed.

04.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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