



Rev.Apl.No.256 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT.JUSTICE T.V.THAMILSELVI

Review Application No.256 of 2022
in W.P.No.25474 of 2022

A.Raja

.. Review Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Commissioner,
Palladam Municipality,
Palladam.

3.The Thasildar,
O/o.Thasildar,
Palladam.

4.Tamil Nadu Pollution Control Board,
Rep. By its Member Secretary,
No.75, Mount Salai,
Guindy, Chennai-600 032.

.. Respondents

(4th respondent impleaded vide order dated
03.11.2022 made in WMP.No.28060 of 2022)



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Prayer: Review Applications filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, seeking to review the order passed by this Court dated 03.11.2022 in W.P.No.25474 of 2022.

For Petitioner : Mr.N.G.R.Prasad
for Mr.M.Gnanasekar
For Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

D.KRISHNAKUMAR, J.

This review application has been filed to review the order of this Court dated 03.11.2022 made in W.P.No.25474 of 2022.

2. Mr.N.G.R.Prasad, learned counsel for the review applicant has relied upon G.O.Ms.No.252, Housing and Urban Development [(UD4(2)) Department dated 12.11.2010 and as per the said Government Order, the land in S.F.No.590, Pachapalam, Palladam Taluk, on which the gasified crematorium is proposed to be constructed has been classified as waterbody and according to him, the said Government Order has not brought to the knowledge of this Court while deciding the writ petition and therefore, he has filed the present review application.



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3. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents has drawn the attention of this Court to the counter affidavit filed by the second respondent, wherein it has been stated that S.F.No.590 is classified in the Revenue Records as Mayanam (burial ground), Vandipathai (cart track) and Kinaru (well) and revenue record alone is the parental record and supercedes all other documents and also the Government Order issued by the government and hence, “A” register will prevail over G.O,(Ms)No.252, Housing and Urban Development Department dated 12.11.2010. The learned State Government Pleader further submits that S.F.590 is being used as a burial ground from time immemorial and the respondents have selected this site for construction of gasified crematorium as it is already a burial ground for the past four decades and therefore, prays for dismissal of this review application.

4. This Court has considered the rival submissions and also perused the materials available on record.



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5. The main ground of review raised by the review applicant is that G.O.Ms.No.252, Housing and Urban Development [(UD4(2)] Department dated 12.11.2010, classifying the disputed land in question in S.F.No.590 as water body, have not been placed before this Court at the time of final disposal of the writ petition.

6. The second respondent/ Commissioner of Palladam Municipality has took a stand in the counter affidavit that the land in S.F.No.590 has been classified in the Revenue Record as Burial Ground, Cart Track and Well and there already exists a burial ground in S.F.No.290 for which an approach road is available and the people are using it carry dead bodies to the burial ground. Further, the Government vide G.O.Ms.No.272, Housing and Urban Development Department dated 14.07.1988 had declared the area comprising Palladam Town Panchayat as Palladam Local Planning area and various survey numbers were reclassified from time to time, namely agricultural zone to residential zone, school zone, industrial zone and the burial ground is in existence from time immemorial and therefore, in revenue records it has



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been classified as Burial Ground, Cart Track and Well in the UDR survey records. It is further stated that the respondent has already applied through online to the Tamil Nadu Pollution Control Board for obtaining consent for the establishment of LPG Crematorium and to the benefit of the general public, the project of LPG Crematorium has been envisioned as it is pollution free and environmental friendly. Besides the same, the people of Palladam municipal town carry dead bodies to the electrical crematorium at Koduvai, which is more than 20 kms. away at Tiruppur, which is more than 20 kms away and to Sulur electrical crematorium which is 19 kms away from Palladam Town and in view of the aforesaid reasons, the aforesaid area has been identified for the construction of gasified crematorium. It is the further stand of the second respondent that there will not be any health hazard to nearby dwellers and moreover there is no residential area within the radius of 200 meters of the proposed site.

7. In the light of the aforesaid stand taken by the second respondent coupled with the stand taken by the third



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respondent/Tahsildar, Palladam that there is no entry in the revenue records classifying S.F.No.590 as 'Odai' and the construction of Gasifier Crematorium is for public welfare and there will not be any inconvenience to the public, this Court is unable to find any reason to interfere over the same. The prayer in the writ petition is for a Mandamus, in which disputed question of facts cannot be gone into by this Court. Moreover, this Court has categorically observed in the order under review that in case the writ petitioner is being aggrieved by the classification of the land, it is always open to him to challenge the reclassification of the said land before the authorities concerned. The review applicant, despite the liberty granted by this Court, has filed this review by merely relying upon G.O.Ms.No.252 dated 12.11.2010, which has not been supported by any material evidence like revenue records to establish that the said property in S.F.No.590 is a waterbody.

8. The review application has limited purpose and cannot be allowed to be "an appeal in disguise". The review is by no means an appeal in disguise whereby an erroneous decision is reheard and



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corrected but lies only for patent error. The applicant under the guise of this review application wants to re-agitate the matter once again afresh by relying upon an Government Order and in the light of the settled position of law, it is impermissible. There is no mistake or error apparent on the face of the order under review and this Court finds no merit in the review application.

9. In the light of the above reasoning, the review application stands dismissed. No costs.

[D.K.K., J.] [T.V.T.S., J.]
21.03.2023

Index:yes/no
Internet:yes
Jvm

To
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Tiruppur District, Tiruppur.

2.The Commissioner,
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3.The Thasildar,
O/o.Thasildar, Palladam.



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&
T.V.THAMILSELVI, J.

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4.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.75, Mount Salai,
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Order in
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