



WEB COPY

Review Application No.63 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.63 of 2023

K.Radhalakshmi

... Petitioner

Vs.

1.M/s.Rathna Hi Tech Engineering
Represented by its Proprietor J.Edwin Thomas,
Telace Industrial Estate,
No.3/88, Mount Poonamallee High Road,
Ramavaram Village,
Chennai-600 089.

2.The Secretary,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-600 009.

3.The District Collector,
Thiruvallur,
Thiruvallur District.

4.The Tahsildar,
Revenue Department,
Ambattur,
Thiruvallur District.

... Respondents



Prayer: Review Application is filed under Order 47, Rule 1 read with 114 of CPC against the order of this Court dated 08.06.2015 passed in WP No.16131 of 2015.

For Petitioner : Mr.P.Subba Reddy
For Respondent-1 : No Appearance
For Respondents-2 to 4 : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The Review Application has been instituted to recall the order dated 08.06.2015 passed in WP No.16131 of 2015.

2. This Court passed final order in the above writ petition, wherein in paragraphs 2 to 5, it has been observed as under:-

“2. The petitioner claims to be running a small shop, submitted a representation dated 26.08.2013 to the first respondent praying for grant of No Objection Certificate in respect of the land in Survey No.151/1B, Ramapuram Village,



Ambattur Taluk, Thiruvallur District, admeasuring to an extent of 3000 sq.ft. and since the said representation has not been disposed of, the petitioner came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that it would be suffice to direct the respondents to consider and dispose of the petitioner's representation dated 26.08.2013, on merits, within a time frame.

4. This Court, without going into the merits of the petitioner's representation dated 26.08.2013, directs the first respondent to consider and dispose of the petitioner's representation dated 26.08.2013 on merits after putting on notice the petitioner and the persons concerned and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner and the persons concerned.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.”



3. It is not in dispute that the final order has been passed at the admission stage, without issuing any notice to the fourth respondent, who is the private party.

4. The writ petition was filed by M/s.Rathna Hi Tech Engineering Rep by its Prop. J.Edwin Thomas, Telace Industrial Estate, No.3/88, Mount Poonamallee High Road, Ramavaram Village, Chennai-600 089.

5. The learned counsel appearing on behalf of the review petitioner mainly contended that the pursuant to the order passed by this Court, no further order has been passed by the the first respondent therein i.e., the Secretary, Revenue Department, Secretariat, Fort St.George, Chennai-600 009.

6. The learned counsel for the review petitioner further states that false allegations are set out in the affidavit filed in support of that writ petition by the first respondent.



7. In the present Review Application, the review petitioner has no opportunity to contest the above allegations raised against her, which caused prejudice to the interest of her rights. However, this Court passed no order on merits and a direction was issued to the first respondent therein to consider and pass orders on the representation submitted by the petitioner.

8. In view of the fact that the order has not been passed on merits, no prejudice would have been caused to the review petitioner herein. The main ground raised in the present Review Application is that the copy of the order has not been communicated to the review petitioner, which caused prejudice. The review petitioner was totally in dark about the order passed by this Court in the year 2015.

9. In this context, the learned counsel for the petitioner raised serious concern that the High Court is not communicating the copy of the final orders to the private parties. However, the order copies are communicated to the official respondents and the final order copy has been communicated to the Government Departments and the Government Undertakings, but copies are not communicated to the private respondents.



10. May that as it be. As far as the present Review Application is concerned, the fact remains that the final order passed by this Court in the year 2015, has not been communicated to the review petitioner. Non-communication of final order passed by this Court, would cause prejudice to the review petitioner and she had lost her opportunity to defend her case before the Competent Authority.

11. The notice has already been served to the first respondent and the matter was adjourned twice and the name of the counsel appearing on behalf of the first respondent also mentioned in the cause list. Notice was served privately to the first respondent by the learned counsel for the review petitioner.

12. This being the factum, the order dated 08.06.2015 passed by this Court in WP No.16131 of 2015 is to be reviewed.

13. Accordingly, the order dated 08.06.2015 passed by this Court in WP No.16131 of 2015 stands reviewed.



14. Thus the present Review Application stands allowed.

Consequently, WP No.16131 of 2015 is dismissed. However, there shall be no order as to costs.

07-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The Secretary,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Thiruvallur,
Thiruvallur District.
- 3.The Tahsildar,
Revenue Department,
Ambattur,
Thiruvallur District.



WEB COPY

Review Application No.63 of 2



S.M.SUBRAMANIAM, J.

Svn

Review Application No.63 of 2023

07-07-2023