



REV.APLW(MD)No.4 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**REV.APLW(MD)No.4 of 2021
in
W.P(MD)No.18638 of 2020**

D.S.Muniyappn

... Petitioner

VS.

1. The Block Development Officer,
(Village Panchayats)
Panchayat Union Office,
Kovilpatti,
Tuticorin District.

2. The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

3. The Panchayat President,
Enammaniyatchi Panchayat,
Lakshmipuram Post,
Tuticorin.

4. Renugadevi

... Respondents

PRAYER : Petition filed under Section 114 read with Order 47 Rule 1 of the Civil Procedure Code, to review the order made in W.P(MD)No.18638 of 2020 dated 15.12.2020.



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For Petitioner : Mr.C.M.Arumugam
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 : Mr.H.Arumugam

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenging the order dated 23.11.2020 under which the 4th respondent who was directed to remove the encroachment, the 4th respondent herein filed writ petition in W.P(MD)No.18638 of 2020.

2. The main contention that was raised on behalf of the respondents in the writ petition was that in the area which was meant for park, a platform has been constructed and a Thulasimaadam has been erected in the area in question which is an encroachment. The Division Bench considered the writ petition and found that there was a platform and it was constructed for the purpose of doing yoga and also for other public purposes and hence it cannot be called as encroachment. The review is now sought for on the ground that a shed has been put up over that platform and it is being used as Thiyana Mandapam.



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3. Mr.Arumugam, learned counsel appearing for the 4th respondent/writ petitioner would submit that the shed has been put up only to enable practice of yoga even during rainy season and he would state that the area in question will not be used for any other religious or commercial or political purposes. While it is open to the local people to conduct certain cultural programme or other entertainment programmes in the shed in question, we make it clear that it shall not be used for any other religious or political or commercial purposes.

4. With the above clarification, the Review Application is dismissed. No costs.

(R.SUBRAMANIAN, J.) & (B.PUGALENDHI, J.)
19.06.2023

Index : Yes / No
Neutral Citation : Yes / No
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and
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