



C.M.P.(MD) No.4449 of 2022
in Review Application (MD) SR No.4667 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C. SARAVANAN

C.M.P.(MD) No.4449 of 2022 in
Review Application (MD) SR No.4667 of 2022 in
A.S.(MD)No.184 of 2015

A.Syed Abdul Rahim (died)

1.A.Wahitha

2.A.Yasmin

3.A.Shayonara

... Petitioners/Petitioners

Vs.

1.The Madurai Corporation,
through its Commissioner,
Anna Maligai,
Tallakulam, Madurai.

2.The District Collector,
Collectorate Office,
Madurai District.

3.Banu Bee

4.Malika

5.Roshini

6.Ameena Bee

7.Fathima Bee

8.Shajitha

9.Mumtaz

10.Zabeen



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11.Faizal
12.Jahan
13.Afsal
14.Shareen
15.Johara

... Respondents/Respondents

Prayer in C.M.P.(MD) No.4449 of 2022 : Civil Miscellaneous Petition filed under Order XXXIII Rule 1 of the Code of Civil Procedure to permit the petitioners to file the above Review Application as indigent persons.

Prayer in Rev.Applc.(MD) SR No.4667 of 2022 : Review Application filed under Order 47 Rule 1 r/w. Section 114 of Code of Civil Procedure, to review the judgment and decree dated 09.01.2019 passed by the Division Bench of this Court in A.S.(MD) No.184 of 2015.

For Petitioners : Mr.R.Suriya Narayanan

For R1 : Mr.M.Sarangan
Additional Government Pleader
(Madurai Bench)

ORDER

(Order of the Court was made by S.S. SUNDAR, J.)

(Through video conferencing)

This petition is filed to permit the petitioners to file the Review Application as indigent persons.



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2.This Court earlier directed the learned Government Pleader to take notice and to get a report from the District Collector, Madurai. Even though the order passed by this Court was not communicated properly earlier, Mr.M.Sarangan, learned Additional Government Pleader, appeared before this Court and undertook to get instructions from the District Collector, as directed by this Court earlier. Hence, this Court, by order dated 15.02.2023, recorded the undertaking given by Mr.M.Sarangan, learned Additional Government Pleader.

3.Today, when the matter is called, a Status Report is filed by the learned Government Pleader through the District Collector. From the Status Report, it is seen that the Tahsildar conducted spot inspection so as to submit a report before this Court after collecting materials. It appears that, when the Tahsildar visited the 3rd petitioner, who was residing in Door No.23G, Gandiji Street, Bibikulam, Madurai, the 3rd petitioner did not co-operate with the Tahsildar and refused to give any details about the properties or assets the petitioners have. However, the Tahsildar, after making local enquiry, could not collect enough details except the particulars about one property which is admitted to be the property of petitioner's family and in the occupation of the 3rd petitioner, who was present at the time of inspection by



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Tahsildar. The property which is in the enjoyment of 3rd petitioner is a residential house with constructed area of 162.5 sq.m. Though the value as assessed by the Tahsildar as per the Guideline Value is Rs.9,015/- per sq.m., the market value is approximately given as Rs.30,000/- per sq.m. The property has been valued at Rs.48,75,000/-.

4.Learned counsel appearing for the petitioners objected to the valuation and the actual extent of land and the constructed area. For the present, it is to be seen that the petitioners have not even disclosed the asset in the affidavit filed in support of the petition while seeking permission to file the Review Application as indigent persons. Having regard to the conduct of the petitioners exhibiting their non-cooperation with the Tahsildar when he met them to collect information, and for their failure to disclose the properties owned as on date, this Court is not inclined to entertain this petition.

5.Therefore, **this petition is dismissed.** However, liberty is given to the petitioners to pay Court Fee and prosecute the Review Application in the manner known to law, within a period of eight weeks from the date of receipt of a copy of this order.



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Internet : Yes



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(S.S.S.R., J.) (C.S.N., J.)
15.03.2023

S.S. SUNDAR, J.
and
C. SARAVANAN, J.

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