



REV APLW(MD).No.121 of 2023

WEB COPY

DATED : 28.07.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW(MD)No.121 of 2023

in

W.P(MD)No.24403 of 2022

and

W.M.P(MD)Nos.13631 & 13632 of 2023

M.Kuppusamy

... Petitioner/
3rd Party

v.

1.Kuppamuthu

... 1st Respondent /
Writ Petitioner

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

4.The Village Administrative Officer,
Adhapadakki Group,
Kalaiyarkovil Taluk,
Sivagangai District.



REV APLW(MD).No.121 of 2023

5. The Commissioner of Survey
and Settlement,
Sivagangai,
Sivagangai District.

... Respondents 2 to 5/
Respondents 1 to 4

PRAYER: Review Application filed under Order XLVII Rule 1 and 2 read with Section 114 of Civil Procedure Code to review the order dated 24.02.2023 in W.P(MD)No.24403 of 2023.

For Petitioner : Mr.P.Muthuvel

For Respondents : Mr.R.Suriya Narayanan for R.1

Mr.D.Gandhiraj
Special Government Pleader
for R.2 to R.5

ORDER

Heard the learned counsel on either side.

2. The first petitioner herein had filed W.P(MD)No.24403 of 2022 for conducting survey. The said writ petition was allowed vide order dated 24.02.2023. Aggrieved by the same, this Review Application came to be filed.

3. The case of the review applicant is that the writ petitioner had deliberately suppressed the fact that as many as 11 families are already



REV APLW(MD).No.121 of 2023

residing in the land that is sought to be surveyed and they have also put up construction.

4. I permitted the survey to go on. Whenever such orders for permitting survey are passed, I would make it clear that conducting of survey will not lead to dispossession of anybody and that only earmarking of the boundaries alone can be done and that fencing will not be put up by using Police aid. Even during the pendency of Review Application, survey was allowed to be conducted. The Tahsildar, Kalaiyarkovil has filed his report. Report is enclosed with a sketch. It is seen therefrom that the averments made by the petitioner stand substantiated. But on this ground, there is no need to review or recall the order passed by this Court. Because of the order passed by this Court, facts have now come to light. If the first respondent wants to enforce the assignment made in his favour, obviously the review applicant has to be put on notice. It is always open to the petitioner herein to move the authorities for recognising his possession and enjoyment and for cancelling the assignment order issued in favour of the first respondent. But the petitioner and the first respondent herein have to move either the writ Court or the authorities concerned independently. No case has been made out for reviewing the order that have already passed.



REV APLW(MD).No.121 of 2023

The order already passed by this Court does not in any way affect the rights of the petitioner herein.

5. This Review Application stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.07.2023

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
MGA

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 3.The Village Administrative Officer,
Adhapadakki Group,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Commissioner of Survey
and Settlement,
Sivagangai,
Sivagangai District.



WEB COPY



REV APLW(MD).No.121 of 2023

G.R.SWAMINATHAN, J.

MGA

REV.APLW(MD)No.121 of 2023
in
W.P(MD)No.24403 of 2022
and
W.M.P(MD)Nos.13631 & 13632 of 2023

28.07.2023