



Review Application Writ (MD) No.249 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Review Application Writ (MD) No.249 of 2023
and W.M.P.(MD) No.25793 of 2023
in W.P.(MD) No.14828 of 2022

A.Mohana Backia Rani

... Petitioner

Vs.

**1.The District Collector,
Kanyakumari District,
Nagercoil.**

**2.The Block Development Officer,
Rajakkamangalam Union,
Rajakkamangalam,
Kanyakumari District.**

**3.The President,
Melasankarankuzhi Panchayat Office,
Agasteeswaram Taluk,
Kanyakumari District.**

4.Radhakrishnan

...Respondents

PRAYER: Petition filed under Order 47 Rule 1 of C.P.C. r/w Section 114 of C.P.C., praying to set aside the order of this Court dated 24.11.2023 in W.P.(MD) No.14828 of 2022.

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For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 & R2

No appearance for R3

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Review Application has been instituted to review the order dated 24.11.2023 in W.P.(MD) No.14828 of 2022.

2. Learned counsel appearing on behalf of the review petitioner mainly contended that the facts submitted by the learned Government Advocate, which was recorded by this Court in para 3 of the order sought to be reviewed, is incorrect as the additional building has already been constructed and therefore, the submission of the learned Government Advocate is factually incorrect.

3. Learned Government Advocate, even today, states that there is no such unauthorized construction noticed by the authorities and he secured instructions and made a submission that there is no unauthorized construction.



4. Such factual disputes between the parties cannot be adjudicated in a Writ Proceedings under Article 226 of the Constitution of India. Documents and evidences are to be produced for forming a final opinion. More so, it seems that the dispute between the writ petitioner and the fourth respondent is a private dispute and therefore, the parties are at liberty to approach the Civil Court of Law for the purpose of resolving the dispute and redressing their grievances.

5. In view of the facts and circumstances, the Review Petition stands allowed and the order dated 24.11.2023 in W.P.(MD) No.14828 of 2022 is recalled and the Writ Petition is disposed of with liberty to the parties to approach the civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
15.12.2023

NCC : Yes / No

Index : Yes / No

SJ

To

1. The District Collector,
Collector Office,
Dindigul District.
2. The Block Development Officer,
Rajakkamangalam Union,
Rajakkamangalam,
Kanyakumari District.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

3.The President,
Melasankarankuzhi Panchayat Office,
Agasteeswaram Taluk,
Kanyakumari District.

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