



Review Application No.38 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2024

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C. KUMARAPPAN

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&

M.P. No. 1 of 2009

The SIPCOT House Owners Association,
Reg. No. 243/92, rep. by its
Secretary P.H. Madusudanan,
B-54, SIPCOT Housing Colony,
No.1, Hosur, Krishnagiri District.

..Petitioner

Vs.

1. The Chairman and Managing Director,
SIPCOT, No.19-A,
Rukmani Lakshmipathi Road,
Egmore, Chennai – 8.



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2. The Project Manager,
SIPCOT, Administrative Office,
SIPCOT Industrial Complex,
Rajaji Nagar, Hosur,
Krishnagiri District.

..Respondents

Prayer: Review Application to review the judgment dated 26.03.2009
passed in W.A. No. 594 of 2005.

For Petitioner :: Mr.C. Prakasam

O R D E R

(Made by **S.M. SUBRAMANIAM,J.**)

The present review application has been filed to review the judgment
dated 26.03.2009 passed in W.A. No. 594 of 2005.

2. The petitioner herein filed the writ petition to forbear the
SIPCOT Authorities from demanding Rs.40,100/- per ground by way of
regularisation of purchase of vacant plots made by them from the original
allottees for providing basic amenities like water supply, sewerage
connection and for issuance of NOC for electricity service connection to the
SIPCOT Housing Colony – I and SIPCOT Staff Housing Colony, Hosur.



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The said writ petition was ordered with a direction to SIPCOT not to interfere with basic amenities like water supply, sewerage connection and also to issue 'No Objection Certificate' for electricity service connection apart from giving an opportunity to SIPCOT to proceed against the original allottees for contravening the conditions of allotment. Challenging the same, the 1st respondent herein preferred an appeal, which came to be ordered with a direction to each of the members of the appellant association to pay a sum of Rs.40,100/- to the 1st respondent herein within a stipulated time with a further direction that appropriate action shall be taken by the 1st respondent against those members of the association, who fail to comply with the said direction. To review the said judgment, the association has come forward with the present review application.

3. From a perusal of the judgment passed in the writ appeal, which is sought to be reviewed, it is seen that the Division Bench had adjudicated the issue on merits and observed that inasmuch as the members of the petitioner association herein had given an undertaking to pay Rs.40,100/- per ground for regularisation of the allotment made in their favour and



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obtained 'No Objection Certificate' for Electricity Service Connection, they cannot now go back on their undertaking and question the demand of payment of Rs.40,100/- made by SIPCOT. The Division Bench also recorded the statement made by Mr.C. Prakasam, learned counsel for the members of the association that basic facilities had already been provided and that the members were enjoying the benefits. The Division Bench went on to observe that when the members have been provided with the facilities, in all fairness, they should abide by the undertaking given by them to pay Rs.40,100/- demanded by SIPCOT and cannot be allowed to question the resolution dated 02.04.2004.

4. The findings of the Writ Appellate Court, in our view, would be sufficient to come to the conclusion that the members of petitioner association are not entitled to raise further grounds to review the said judgment. The said judgment only directs the members of the petitioner association to abide by the undertaking given by them to SIPCOT even prior to the filing of the writ petition when admittedly, the members had already



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been provided with all basic facilities, as per the statement made by the learned counsel for the petitioner association. That being so, we do not find

S.M. SUBRMANIAM,J.

AND

C. KUMARAPPAN,J.

any ground made out to entertain this review application. Hence, the review application stands dismissed. No costs. Connected M.P. is closed.

nv

11.07.2024

(S.M.S.J.) (C.K.J.)

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