



Rev.Appl.No.124 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

and

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Review Application No.124 of 2021
in W.A.No.3375 of 2019

M.Mohamed Yacob

.. Petitioner

Vs

1.The Deputy Commissioner of Police (Admn.),
Office of the Director General of Police,
Post Box No.60.

2.The Director General of Police,
Office of the Director General of Police,
Kamarajar Salai,
Madras-4.

3.Tamil Nadu Government Department,
by its Secretary,
Home Department, Fort St. George,
Madras-9.

.. Respondents

Prayer : Review Application under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 1.2.2021 passed in W.A.No.3375 of 2021.



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For the Petitioner : No appearance
For the Respondents : Mr.P.Balathandayutham
Spl. Government Pleader

ORDER

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

There is no representation for the review applicant when the matter is called out.

2. This review application is directed against the order dated 1.2.2021 passed by a Division Bench of this Court in W.A.No.3375 of 2019. W.A.No.3375 of 2019 was preferred against the order dated 4.3.2016 passed in M.P.No.1 of 2015 in W.P.No.27657 of 2006 dismissing the petition filed for condonation of delay of 2027 days in filing restoration petition against the dismissal of the writ petition for non-prosecution on 24.7.2008.

3. Brief facts that are necessary for disposal of the review application are as follows:

(i) The review applicant applied to the post of Police Constable



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on 30.5.1985 and he has not been selected on the ground of involvement in a criminal case. Challenging the non-selection, the review applicant filed W.P.No.27657 of 2006. The said writ petition came to be dismissed for non-prosecution on 24.7.2008. Thereafter, the review applicant has filed a petition for restoration of the writ petition along with an application in M.P.No.1 of 2015 seeking condonation of delay of 2027 days in filing the restoration petition.

(ii) By the order dated 4.3.2016, the petition filed to condone the delay was dismissed by the learned Single Judge. Aggrieved by the same, the review applicant filed a writ appeal, being W.A.No.3375 of 2019. The Division Bench of this Court, after taking note of the fact that the delay of 2027 days occurred only due to the mistake of the review applicant in not following-up the matter diligently, dismissed the writ appeal vide judgment dated 1.2.2021. Even though the review applicant offered an explanation that the name of the counsel on record was printed and the name of the review applicant was not printed in the cause-list, the Division Bench specifically observed that, that cannot be the reason to condone the inordinate delay of 2027 days in filing the petition for restoration of



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the writ petition.

4. This Court is of the view that there is no scope to maintain the review application, as there is no error apparent on the face of record. It is to be noted that none of grounds raised by the review applicant can be considered by this court, exercising jurisdiction under Order 47, Rule 1 of the Code of Civil Procedure, 1908. When the review applicant's explanation for the delay is not accepted for specific reason, this Court sitting under review jurisdiction cannot pass a different order merely because different view is also plausible.

5. It is pertinent to note that despite the review application being listed on few occasions, the review applicant was not ready to get along with the matter. The review applicant is trying to delay the disposal of the matter. When the matter was listed earlier on 7.8.2024, there was no representation for the review applicant. Hence, the review application was directed to be listed under the caption "*for dismissal*" on 14.08.2024. When the matter was listed again on 14.08.2024 as per the previous direction under the caption "*for dismissal*", there was a representation for posting this matter



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today. As stated supra, today, there is no representation on behalf of the review applicant. The attitude of learned counsel for the review applicant warrants condemnation.

6. For the aforesaid reasons, this Court is not inclined to show any further indulgence to the review applicant. The review application is dismissed for non-prosecution. There shall be no order as to costs.

(S.S.S.R., J.) (S.S.K., J.)
28.08.2024

Index : Yes/No
NC : Yes/No
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To:

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- 3.The Secretary,
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