



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM

The HON'BLE MRS.JUSTICE **J.NISHA BANU**
AND
THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

K.Eassa : Petitioner

versus

- 1.The State of Tamil Nadu,
Rep. By its Secretary of the Government,
Housing and Urban Development,
Fort St. George, Chennai
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai – 600 008.
- 3.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai – 600 003.
- 4.The Executive Engineer-Zone X,
Corporation of Chennai,



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

WEB COPY

117, NSK Salai,
Kodambakkam, Chennai – 600 024.

5.The Area Engineer,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.

6.The Chairman,
TANGEDCO,
10th floor, NPKRR Maligai,
114, Anna Salai, Chennai – 600 002.

7.Assistant Executive Engineer, TNEB,
Rangarajapuram, Sivan Kovil Street,
Kodambakkam, Chennai – 600 024.

: Respondents

Prayer in W.M.P.No.12506 of 2024: Petition filed under Section 5 of the Limitation Act seeking to condone the delay of 168 days in filing the present review petition.

Prayer in Review Application : Petition filed under Order XLVII Rule 1 r/w Section 114 of the Code of Civil Procedure to review the order dated 04.09.2023 passed in W.P.No.19855 of 2018.

For Petitioner : Mr.B.R.Benci Jerald

For Respondent 1 : Mr.T.Chezhan,
Additional Government Pleader



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

WEB COPY

ORDER

This petition to condone the delay of 168 days in filing a review application has been filed by the writ petitioner.

2. The writ petition had been filed challenging the proceedings of the fourth respondent in Z.OXI7275/2018 dated 06.07.2018.

3. We heard the learned counsel for the petitioner as well as for the respondents and came to a conclusion that the ground and first floors need not be sealed, as the writ petitioner had purchased the property consisting of the ground and first floors. It was admitted by the writ petitioner that the second to fourth floors are unauthorised. Hence, we ordered sealing of the said portions of the premises. This order was passed by us on 04.09.2023. Yet review was not moved immediately.



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

WEB COPY

4. The petitioner seems to have approached the Government by way a revision petition and that also failed. Thereafter, the petitioner filed another writ petition in W.P.No.1683 of 024 challenging the order of the Government passed by the Additional Secretary, Tamil Nadu Housing and Urban Development on 12.12.2023.

5. The option to move this court by way of review was always available soon after the disposal of the petition. However, the petitioner did not avail this opportunity and instead sought indirectly to set aside this order by filing a writ petition in W.P.No.1683 of 2024. That attempt also failed on 07.03.2024. It was only thereafter, the present review petition came to be filed.

6. There is no dispute that the floors that had been ordered to be sealed by us, namely the second to fourth floors are unauthorised. The petitioners were aware of the same and yet did not move the review in time.



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

WEB COPY

7. We do not find any cause to condone the delay, since the petitioner has sought to agitate the correctness of our Order before the Government and yet again, before a coordinate bench of this court. The primary consideration for an application under section 5 of the Limitation Act is the existence of sufficient cause. If sufficient cause does not exist, this Court cannot condone the delay. As seen from the above discussion, none exists. Accordingly, this writ miscellaneous petition stands dismissed. No costs. Consequently, the Rev.Aplw.SR39543 stands rejected.

[J.N.B.,J.]

[V.L.N.,J.]

01.08.2024

nl/msr

Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



WEB COPY



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

J.NISHA BANU
and
V.LAKSHMINARAYANAN, J.

nl

W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024



WEB COPY



W.M.P.No.12506 of 2024 in
Rev.Aplw.SR39543 of 2024

01.08.2024