



Rev.Appl.No.112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Rev.Appl. (Writ) No.112 of 2024

and

W.M.P.No.20571 of 2024

against

W.P.No.4345 of 2023

Marimuthu

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Maraimalai Nagar Municipality,
Chengalpattu – 603 209,
Tamil Nadu, India.



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3.The Director,
Directorate of Town and Country Plannings,
3rd Floor, C & E Market Road,
Koyambedu, Chennai – 600 107,
Tamil Nadu, India.

4.R.Amutha

5.S.Nithya Priya

6.R.Padmavathy

... Respondents

*[R4 to R6 impleaded vide order of Court
dated 09.08.2023 in WMP No.22419 of 2023
in W.P.No.4345 of 2023]*

Prayer : Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure to review the order dated 30.01.2024 made in W.P.No.4345 of 2023 on the file of this Court.

For Petitioner	:	Mr.Muthuchharan Sundresh
For R1 and R3	:	Mr.M.R.Gokul Krishnan Additional Government Pleader
For R2	:	Mr.P.Srinivas Standing Counsel



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ORDER

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

This review application is filed to review the order passed by this Court on 30.01.2024 in W.P.No.4345 of 2024.

2.The petitioner earlier challenged the order dated 16.11.2022, by which, the 2nd respondent cancelled the building plan permission obtained by the petitioner earlier. Consequently, notice was issued to the petitioner on 23.12.2022 for demolition of unauthorised construction. This Court, after taking note of the fact that the petitioner had put up construction in the open area which is reserved for public purpose namely park, held that the sale deed in favour of the petitioner is illegal and that therefore, the petitioner is not entitled to any relief, following the judgment of the Hon'ble Supreme Court in *Pt. Chet Ram Vashist (dead) by LRs v. Municipal Corporation of Delhi* reported in (1995) 1 SCC 47. This Court dismissed the writ petition, however, granting liberty to the petitioner that he may file a Civil Suit as against the promoter for damages and also for getting back



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the money which he had paid for purchasing the property.

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3.This Court is unable to find any error apparent on the face of the record. Law is settled that review is not an appeal in disguise and the petitioner is not entitled to seek review of an order unless the grounds fall within Order 47 Rule 1 of CPC. Even an error which has to be detected by a process of reasoning will not fall under Order 47 Rule 1 of CPC for us to entertain a review application. The order of this Court is based on the Layout Plan. The petitioner purchased the plots from the promoter of the Layout. This Court is unable to see any document to support his contention that the plots purchased by him is not within the Layout. In case the petitioner seeks any civil remedy, this order or the order passed in the writ petition will not stand in the way of the petitioner seeking appropriate relief. Accordingly, this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
18.07.2024

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

To

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