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REV.APLW.No.176 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

REV.APLW.No.176 of 2016

1.The Director General of Police,
Mylapore, Chennai-4

2.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

... Petitioners

Vs.

M.Syed Jaffar,
Sub-Inspector of Police (Retd)
3/15 Neelasandhu, Meyyur, Sadras
Kalpakkam
Kanchipuram District.

...Respondent

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure, to review the order dated 15.12.2014 in W.P.No.28615 of 2013 on the file of this Hon'ble Court.

For Petitioners : Mr.P.Kumaresan
Additional Advocate General assisted by
Mr.Vadivelu Deenadyalan

For Respondent : Mr.N.Krishnakumar



ORDER

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This Review application has been filed seeking review of the order dated 15.12.2014 passed in W.P.No.28615 of 2013 on various grounds.

2. Today, when the matter is taken up for consideration, Mr.P.Kumaresan, learned Additional Advocate General submitted that the said W.P.No.28615 of 2013 was allowed by the learned Judge by placing reliance on an order dated 31.10.2014 passed in W.P.No.18554 of 2012 and the said order dated 31.10.2014 in W.P.No.18554 of 2012 was set aside by the learned Division Bench of this Court in W.A.No.1746 of 2018, by an order dated 24.07.2023 and thus, the very basis of the order passed in W.P.No.28615 of 2013 is no more available. Therefore, the order under review is required to be revived and recalled or set aside.

3. On the other hand, the learned counsel for the respondent/writ petitioner submitted that the claim of the petitioner is not solely basing upon the order passed in W.P.No.18554 of 2012 dated 31.10.2014, but the claim of the petitioner is otherwise sustainable and is in accordance with law and can be substantiated before this Court.



REV.APLW.No.176 of 2016

4. This Court has gone through the order passed in W.A.No.1746 of 2018 dated 24.07.2023 and is convinced that the order passed in W.P.No.18554 of 2012 dated 31.10.2014 was set aside by virtue of the order dated 24.07.2023 passed by the learned Division Bench of this Court. In view of the same, the very basis of the order under review is taken away and therefore, the order under review cannot stand.

5. In the light of the above, the order dated 15.12.2014 passed in W.P.No.28615 of 2013 is recalled and the writ petition is restored on to the file of this Court, for adjudication afresh on merits. Accordingly, the review petition is allowed.

6. Registry is directed to list the main writ petition for hearing on 20.09.2024. The review petitioners/respondents are directed to file their counter affidavit in the main writ petition by 20.09.2024.

03.09.2024
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Index : Yes/No
Speaking Order : Yes/No
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REV.APLW.No.176 of 2016

MUMMINENI SUDHEER KUMAR,J.

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REV.APLW.No.176 of 2016

03.09.2024
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