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Review Application No.95 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Review Application No.95 of 2024

against

W.P.No.13907 of 2020

Kallikuppam Muthzhamilnagar Pothu Nala Sangam
Represented by its President K.Selvakumar,
No.1, Vanniar Street,
Muthamizh Nagar,
Kallikuppam, Chennai – 600 053

... Applicant

Vs.

- 1.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai – 600 001.
- 2.The Assistant Director,
Survey and Settlement Wing,
P.A. to the Collector (Survey),
Singaravelar Maligai,
Chennai – 600 001.
- 3.The Executive Engineer,
PWD Water Resources Department,
Kosathalai River,



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Thiruvallur District.

4.The Tahsildar,
Ambattur Taluk,
Chennai – 600 053.

5.The Assistant Engineer,
PWD Water Resources Department,
Chennai – 600 053.

6.Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Review Application filed under Order XLVII, Rule 1 read with Section 114 of Civil Procedure Code, to review the order made in W.P.no.13907 of 2023 on the file of this Court dated 21.03.2024.

For Applicant : Mr.K.Sakthivel

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The present review application has been instituted to review the order passed by this Court dated 21.03.2024 in W.P.No.13907 of 2020.



2. Mr.K.Sakthivel, learned counsel for the applicant mainly contended that certain observations in paragraph 7 of the judgment is running counter to the Division Bench judgment. Therefore, the said observations are to be reviewed. Further, the authorities are initiating steps to evict the members of the Association from the subject property, which is a water body.

3. In paragraph 7 of the judgment, we have stated that any assignment made in respect of lake cannot be validated. In other words assignment of water bodies are impermissible. The Hon'ble Supreme Court of India time and again reiterated that the water bodies cannot be alienated. Any judgment running counter to the judgment of the Hon'ble Supreme Court of India cannot be cited as precedent and those judgments are denuded to lose its status as precedent.

4. When there is a prohibition to grant assignment in water body any such assignment made erroneously, fraudulently or otherwise cannot be sustained. More so, the ground in this context raised cannot be considered in a Review Application.

5. Scope of review cannot be expanded so as to re-appreciate or re-



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adjudicate the issues on merits. Error apparent on records alone can be reviewed, if any identified. Thus, the attempt made by the learned counsel for the petitioner / Mr.K.Sakthivel is not convincing and consequently, the Review Application stands dismissed. No costs.

[S.M.S., J.] [K.R.S., J.]
26.07.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

To

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