



WEB COPY

Review Application No.197 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-07-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

Review Application No.197 of 2018

R.Dharman (deceased)

1.R.Nagarathinam

2.Smt.Andal

3.R.Dhanasekaran

[Cause Title accepted vide order of Court
dated 28.06.2018 made in CMP No.3084 of
2016 in Rev.Appl.SR 62603 of 2013]

.. Petitioners

-VS-

1.The Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
Kamarajar Salai,
Chennai-600 005.

2.M.Sivalingam



3.D.Kashthuri

4.D.Boovana

5.D.Rajendrakumar

6.D.Gomathi

.. Respondents

Review Application is preferred under Order 47, Rule 1 read with Section 114 of CPC, against the judgment of this Court made in WA No.527 of 2011 dated 18.06.2013.

For Petitioners : Mr.S.Udayakumar

For Respondent-1 : Mr.B.Balaji,
Standing Counsel for TNUHDB

ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The learned counsel for the petitioners Mr.S.Udayakumar would submit that the Writ Appellate Court has not discussed the issues diligently. Such an argument is unnecessary in view of the fact that the issues raised between the parties, are considered by this Court and the



petition was dismissed not only on the ground of laches, but also on the ground that the competent Civil Court has already rejected the relief sought for by the writ appellants.

2. When a third party right has been set in and that when a competent Civil Court has already rejected the relief sought for by the appellants, then such relief cannot be given by invoking the discretionary jurisdiction of this Court. Even if the issues on merits are not considered by the Writ Appellate Court, the same would not provide cause to file Review Application.

3. The scope of review cannot be expanded for re-adjudication of the issues raised in the Writ Appeal. Only if an error apparent on record is established, then alone the review jurisdiction is to be exercised. The grounds of appeal cannot be considered in Review Applications. Thus, the approach of the litigants for re-adjudication of the issues on merits by instituting review proceedings, at no circumstances, be encouraged nor such Review Applications require further consideration.



4. In view of the above, we are not inclined to entertain the present Review Application and consequently, the present Review Application stands dismissed. However, there shall be no order as to costs.

(S.M.SUBRAMANIAM,J.) (C.KUMARAPPAN,J.)

25-07-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai-600 005.

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AND
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