



WEB COPY



Rev.Aplw.No.107 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :

**THE HON'BLE MR.JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**Review Application No.107 of 2024
and W.M.P.Nos.19337 and 19338 of 2024**

The Commissioner,
Jolarpettai Municipality,
131, Parthasarathy Street,
Natrampalli Road,
Jolarpet Municipality - 635 851.

.. Review Petitioner

Versus

1. B.Venkatesa Perumal
2. The Commissioner, Municipal Administration,
3, MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu - 600 028.
3. The District Collector,
NH-179A, Tirupathur District Collector Office,
Tirupathur - 635 601.
4. Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai - 600 028.
5. The Sub-Registrar,



Rev.Aplw.No.107 of 2024

Sub Registrar Office,
Jolarpettai Nethaji Road, Sakkarapuram, Jolarpettai.

6. The District Registrar,
635 851, District Collector Office,
4th Floor, C-Block, Tirupathur - 635 601.
7. The Revenue Divisional Officer (RDO),
Sub-Collector Office,
Government Garden,
Tirupathur - 635 601.
8. The Tashildar,
Thirupattur, Thirupattur District.
9. The Village Administrative Officer,
Sakkarakuppam, Jolarpet,
Thirupattur District.
10. Sivakami
11. V.Anandha Raj
12. Velu
13. Prabhu
14. Ravi
15. Kanagaraj
16. Ragupathy
17. Anbu
18. Sita
19. Dhanalaxmi
20. Radhi Devi
21. Amirtha Raj
22. Arul Raj
23. Sharmila

.. Respondents

Prayer : Review Application filed under Order XLVII Rule 1 of the Code of Civil Procedure r/w Article 226 of the Constitution of India to review the



Rev.Aplw.No.107 of 2024

order in W.P.No.11151 of 2024, dated 26.04.2024 and recall the same and take up the Writ Petition for fresh disposal.

For Petitioner : Mr.P.Srinivas

For Respondents : Mrs.V.S.Sharon Elizabeth
for Mr.A.Irudayam, for R1

: Mr.M.R.Gokul Krishnan,
Additional Government Pleader,
for RR-2 to 9

: No Appearance for R10

ORDER

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

This Review Application is filed seeking review of the order, dated 26.04.2024 in W.P.No.11151 of 2024.

2. The first respondent herein by name, B.Venkatesa Perumal, filed the Writ Petition for issuance of a Writ of Certiorarified Mandamus to quash the impugned notice, dated 13.12.2023 issued under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 followed by a lock and seal notice, dated 28.12.2023.



Rev.Aplw.No.107 of 2024

WEB COPY

3. This Court, taking a note of the fact that no show-cause notice was issued and the impugned notice reads as if it is a direction to vacate the premises within four days, allowed the Writ Petition only on the ground that the impugned notice is in violation of principles of natural justice. Therefore, liberty was also given to the official respondents to take appropriate action in the manner known to law after following due procedure.

4. The Review Application is now filed seeking review of the order, dated 26.04.2024 in W.P.No.11151 of 2024. The learned Counsel for the review applicant/the Commissioner, Jolarpettai Municipality submits that show-cause notices, both under the Tamil Nadu District Municipalities Act, 1920 as well as under the Tamil Nadu Town and Country Planning Act, 1971 were issued to the first respondent/writ petitioner. Therefore, there is no violation of principles of natural justice.

5. The learned Counsel, then, submitted that though a direction is given in the impugned notice to vacate the premises, the subsequent portion of the communication claimed reveals that the first respondent/writ



Rev.Aplw.No.107 of 2024

WEB COPY

petitioner was permitted to raise his objection to the notice of ejectment and that would result in coercive action only in case no reply or objection is received from the first respondent/writ petitioner.

6. This Court, having regard to the nature of the order passed by this Court and the proceedings, is unable to accept the explanation offered by the learned Counsel for the review applicant/first respondent. From the sequence of facts, this Court is unable to appreciate the contention. A review can be entertained only if there is an error apparent on the face of the record. It is not as if this Court quashed the notice for violation of principles of natural justice without taking note of the contents of the notice.

7. Be that as it may, the point raised by the learned Counsel for the review applicant/first respondent, before this Court, cannot be countenanced. Going through records, this Court found that the impugned order is in violation of principles of natural justice as sufficient opportunity was denied to the first respondent/writ petitioner. Hence, this Court is unable to entertain this Review Application. A fair opportunity should be given to the first respondent/writ petitioner before taking coercive action. A



Rev.Aplw.No.107 of 2024

WEB COPY

show-cause notice should be given. After giving sufficient opportunity to the first respondent/writ petitioner, final order has to be passed after considering the objections or explanation that may be given by the first respondent/writ petitioner.

8. This Review Application is therefore dismissed. There shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R, J.)
25.09.2024

(N.S, J.)

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Commissioner, Municipal Administration,
3, MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu - 600 028.
2. The District Collector,
NH-179A, Tirupathur District Collector Office,
Tirupathur - 635 601.
3. The Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam,
Raja Annamalai Puram,



Rev.Aplw.No.107 of 2024

WEB COPY

- Chennai - 600 028.
4. The Sub-Registrar,
Sub Registrar Office,
Jolarpettai Nethaji Road,
Sakkarapuram, Jolarpettai.
 5. The District Registrar,
635 851, District Collector Office,
4th Floor, C-Block, Tirupathur - 635 601.
 6. The Revenue Divisional Officer (RDO),
Sub-Collector Office,
Government Garden,
Tirupathur - 635 601.
 7. The Tashildar,
Thirupattur, Thirupattur District.
 8. The Village Administrative Officer,
Sakkarakuppam, Jolarpet,
Thirupattur District.



WEB COPY



Rev.Aplw.No.107 of 2024

**S.S.SUNDAR, J.
AND
N.SENTHILKUMAR, J.**

grs

Review Application No.107 of 2024
and W.M.P.Nos.19337 and 19338 of 2024

25.09.2024