



WEB COPY



Rev.Appl.No.73 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Rev.Appl. (Writ) No.73 of 2024

J.Sathyabama

Represented by her Power Agent D.Jothimani

... Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai – 600 008.

2.The Commissioner,
Tambaram City Municipal Corporation,
Tambaram West, Tambaram, Chennai – 600 045.

3.A.Ananthan

4.A.Mani

5.A.Periasamy

6.Baskaran

7.B.Indira Kumari

8.B.Jayapal

9.B.Nallappan

10.B.Natarajan

11.B.Palaniappan

Page 1 of 8



Rev.Appl.No.73 of 2024

WEB COPY

- 12.B.Subramani
- 13.C.Ravikumar
- 14.Chandrammal
- 15.C.Krishnan
- 16.C.Matheswaran
- 17.C.Parathasarathy
- 18.C.Rajan
- 19.Devaki
- 20.Elammal
- 21.G.Sampath Kumar
- 22.Gurunathan Shankaran
- 23.J.Lakshmi Narayanan
- 24.K.Athiappan
- 25.K.Aarathiyappan Nadar
- 26.K.Adithya Pandiyan
- 27.K.Elumalai
- 28.K.Jayaraman
- 29.K.Sundaramurthy
- 30.K.Vijayaseeli
- 31.M.Palani
- 32.M.Sundararaj
- 33.M.Mahesh
- 34.M.Saratha
- 35.M.Subramani
- 36.N.Krishna Prakash
- 37.P.Jayakumar
- 38.P.Nagarajan
- 39.P.Saravanan
- 40.P.Subramaniam
- 41.Paapathi
- 42.P.Balaraman
- 43.P.Machi Naidu
- 44.P.Nagarajan
- 45.P.Palaniappan
- 46.P.Panmaya Mary



Rev.Appl.No.73 of 2024

47.P.Perumal
48.P.Ramasamy
49.R.Mangai
50.R.Duraisamy
51.R.Kandhasamy
52.R.Saraswathi
53.S.Amudha
54.S.Govindammal
55.S.Tamilselvi
56.S.Baluraj
57.S.Kanchi Kumar
58.S.Sekar
59.S.Sithiraivel
60.S.Udayasuriyan
61.T.Muthu Krishnan
62.T.Parthiban
63.T.Suseela
64.V.Aranganayaki
65.V.Duraisamy
66.Vembuli
67.V.Govindaraj
68.V.Govindhasamy
69.VM Perumal
70.V.Nagarajan
71.V.Vimalanathan

... Respondents

Prayer : Review Application filed under Order 47 Rule 1 read with Section 114 of Code of Civil Procedure to review the order dated 08.02.2024 made in W.P.No.30695 of 2023 on the file of this Court.



Rev.Appl.No.73 of 2024

For Petitioner : Mr.K.Sakthivel
For R1 : Mr.R.Thamaraiselvan
Standing Counsel for CMDA

ORDER

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

The review is directed against the order passed by this Court in W.P.No.30695 of 2023 dated 08.02.2024.

2.The petitioner filed the writ petition in W.P.No.30695 of 2023 earlier to direct the respondents to remove the unauthorised construction put up by the respondents 3 to 71 in the First and Second Main Road, Mummurthy Nagar, Chromepet, Chennai – 600 044. This Court, taking a *prima facie* view that the petitioner has no title over the property in which the development had taken place, held that the petitioner has no *bona fides* in approaching this Court for removal of unauthorised construction. The petitioner has not produced before this Court any material to prove her ownership and this Court also made some observations as to the entitlement



Rev.Appl.No.73 of 2024

of the petitioner.

WEB COPY

3.Learned counsel appearing for the review petitioner states that the review application is filed mainly because this Court has made some observations that would prejudice the rights of the petitioner when she seeks relief even before the Civil Court. Learned counsel then submitted that unauthorised constructions cannot be permitted and this Court, as per the directions of the Hon'ble Supreme Court, is bound to take action when allegation of unauthorised construction is raised.

4.This Court time and again has reiterated the scope of review. Review is not an appeal in disguise. Unless there is an error apparent on the face of the record, there is no scope for review. Even erroneous decision cannot be challenged by way of review, as the petitioner's remedy is by way of preferring further appeal.

5.This Court has cautiously held that the petitioner, who claims to be the owner of the property, has not produced minimum documents to satisfy



Rev.Appl.No.73 of 2024

the Court on her *bona fides*, and hence, she is not entitled to any relief in a litigation of this nature. We have not decided the issue whether the construction put up by the private respondents are authorised or not. We have dismissed the writ petition only on the *bona fides* of the petitioner's claim which was not explained to the satisfaction of this Court. The construction complained by the petitioner is to a huge extent of 2.10 Acres. The petitioner has not even issued notice to the private respondents informing about her source of title. Therefore, this Court has dismissed the writ petition for reasons which are assigned in the order. This Court cannot now re-appreciate or review the order merely because there is another view possible. The petitioner's remedy is to file an appeal before the Hon'ble Supreme Court challenging the order before the Hon'ble Supreme Court, if she is really aggrieved. However, we clarify that the observations made in the order are only for the purpose of disposal of the writ petition and the Civil Court or any other forum where the petitioner's claim is considered may decide it independently uninfluenced by any of the observations made by this Court in the order in the writ petition.



Rev.Appl.No.73 of 2024

WEB COPY 6. With this clarification, this Review Application is dismissed. No costs.

(S.S.S.R., J.) (N.S., J.)
11.06.2024

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai – 600 008.
2. The Commissioner,
Tambaram City Municipal Corporation,
Tambaram West, Tambaram, Chennai – 600 045.



WEB COPY



Rev.Appl.No.73 of 2024

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

mkn

Rev.Appl. (Writ) No.73 of 2024

11.06.2024