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W.M.P.Nos.24981, 24983, 24988, 24990 of 2024
and
W.P.No.33791 of 2014

M.DHANDAPANI., J.

These petitions are filed to recall the order dated 05.01.2015 passed by this Court in W.P.No.33791 of 2014.

2. These petitions have been filed by the petitioners on three grounds, the first of which is that the petitioners in these petitions were not impleaded as parties in the earlier suit filed by the writ petitioner, the second ground is that the writ petition has been filed by suppressing material facts and the third ground is that due to such suppression by the writ petitioner, they suffered irreparable damages. Therefore, the respective petitioners must be compensated by awarding a compensation of Rs.1,00,000/- and Rs.2,00,000/- respectively payable by the writ petitioner.

3. By the order dated 05.01.2015, this Court passed the following order and the relevant portion in paragraph Nos.2 to 5 is extracted hereunder:

2.The petitioner seeks for a direction to the respondent police to issue police protection, so as to implement the decree in O.S.No.1480 of 2000 which has been confirmed in A.S.No.6 of 2005 dated 20.11.2006.



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3. *Since the Slum Clearance Board is the owner of the property they are bound to comply with the decree if the same has not been modified or reversed till date.*

4. *The learned counsel for the Slum Clearance Board submitted that already requisition has been made to the first respondent police, but till date no action has been taken.*

5. *In the light of the above, if the decree passed by the Munsif Court in O.S.No.1480 of 2000, which has been confirmed in appeal the second respondent is directed to make appropriate requisition afresh for police protection, so as to implement the decree in O.S.No.1480 of 2000, which has been confirmed in A.S.No.6 of 2005 dated 20.11.2006.*

4. Now, in the present miscellaneous petitions, the petitioners admit that there was a suit in O.S.No.1480 of 2000 and which was also confirmed by this Court in A.S.No.6 of 2005 vide order dated 20.11.2006. The petitioners having admitted the filing of decree passed in the suit as well as the dismissal of the first appeal by this Court, cannot be heard to contend that there was a material suppression, based on which, the writ petitioner has obtained an order in his favour.



5. In the opinion of this Court, there was no suppression of material made by the writ petitioner while filing W.P.No.33791 of 2014. Even by the order dated 05.01.2015, this Court only observed that “ *if the decree passed by the Munsif Court in O.S.No.1480 of 2000, which has been confirmed in appeal the second respondent is directed to make appropriate requisition afresh for police protection, so as to implement the decree in O.S.No.1480 of 2000, which has been confirmed in A.S.No.6 of 2005 dated 20.11.2006*”.

6. When that be so, this Court does not find any material suppression at the time of filing W.P.No.33791 of 2014. Consequently, these petitions filed by the petitioners to recall the order dated 05.01.2015 passed in W.P.No.33791 of 2014 stand dismissed.

10.09.2024

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