



Rev.Aplw.Nos.262 & 263/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

REV.APLW.Nos.262 & 263/2022

&

WMP.Nos.32434 & 32439/2022

Vasanth Gangadharan

.. Applicant in
Rev.Aplw.No.262/2022

Kalaivani @ M.Kasthuri

.. Applicant in
Rev.Aplw.No.263/2022

Versus

1.S.R.Charles Ignatius Belevendra

.. 1st Respondent /
Writ Petitioner

2.The Special Tahsildar [LA]

Unit No.IV, SIPCOT

Sriperumbudur Expansion Scheme-2

Sriperumbudur.

3.The District Collector

Kancheepuram District,

Kancheepuram.



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4.Kaviyarasu
5.Jayakumar
6.Gangadharan
7.Kalaivani

.. Respondents in
Rev.Aplw.No.262/2022

1.S.R.Charles Ignatius Belevendra

.. 1st Respondent /
Writ Petitioner

2.The Special Tahsildar [LA]
Unit No.IV, SIPCOT
Sriperumbudur Expansion Scheme-2
Sriperumbudur.

3.The District Collector
Kancheepuram District,
Kancheepuram.

4.Kaviyarasu
5.Jayakumar
6.Vasantha
7.Gangadharan

.. Respondents in
Rev.Aplw.No.263/2022

Common Prayer:- Review Applications filed under Order 47 Rule 1
of CPC against the order dated 17.10.2022 made in WP.No.8992/2012.

For Applicants in	
both Applications :	Mr.N.Karthikeyan
For R1 :	Mr.G.Harshavardhan
For RR2&3 :	Mr.P.Balathandayutham, Spl.GP
For RR4&5 :	No appearance



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COMMON ORDER

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[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The above review applications are filed by respondents 5 and 7 in WP.No.8992/2012 which was disposed of along with a batch of cases vide common order dated 17.10.2022.
- (2)It is seen that WP.No.8992/2012 was filed by one S.R.Charles Ignatius Bolevendra who is the 1st respondent in the review applications seeking for issuance of a writ of mandamus to direct the respondents 1 and 2 in the writ petitions to keep in deposit the compensation amount payable on account of Government acquisition of lands measuring Hectares 1.01.0 Ares in Survey No.35/5 and an extent of Hectares 0.60.5 Ares in Survey No.47/5 in No.124, Vallam Village, Sriperumbudur Taluk, Kancheepuram District until the title dispute between the petitioner and legal heirs of late Mukundan are finally decided by the Civil Courts.
- (3)It is relevant to point out that a batch of writ appeals and writ petitions were filed challenging the Notification issued under Section 3 of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 [in short 'the



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Act, 1997], vide several orders of Government in respect of different parcels of land in different villages.

- (4) Since common issues were raised, all the writ petitions and writ appeals were clubbed together and the previous Bench disposed of all the writ petitions and writ appeals vide common order dated 17.10.2022, quashing the impugned Notification under Section 3[1] of the Act, 1997, passed by the Special Tahsildar. It is further stated that the base date for determination of compensation was also fixed as 01.01.2014 in all the cases. A direction was also issued to the respondents to pass fresh award by taking 01.01.2014 as the date for fixing the compensation.
- (5) The grievance of the review applicants is that the prayer in the writ petition in WP.No.8992/2012 was entirely different and the writ petition was filed by the writ petitioner only on the basis of the civil dispute between the parties, namely, the writ petitioner and the private respondents therein, claiming title to property which has been acquired under the Act, 1997.
- (6) However, it is unfortunate to note that WP.No.8992/2012 was disposed of along with the other batch of cases where the issues are entirely



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different. Aggrieved by the same, respondents 5 and 7 in

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WP.No.8992/2012 have filed the above review applications mainly on the ground that the writ petition filed by the 1st respondent herein had been wrongly included in the batch of cases even though the prayer and the issue arose for consideration was entirely different.

(7)The only question that arise for consideration before this Court after going through the prayer in the writ petition as well as the counter affidavit filed by the 5th respondent in the writ petition, is whether the property which is the subject property of acquisition, belongs to the writ petitioner or respondents 3 to 7.

(8)The grievance of the review applicants is that a civil suit is already pending between the review applicants and the 1st respondent herein and in view of the disposal of the writ petition along with the batch, the review applicants who are the contesting respondents, are put to lot of inconvenience. Since the prayer in the writ petition in WP.No.8992/2012 is entirely different from the prayers sought for in the other writ petitions and writ appeals in the batch of cases and the real issue is between the parties in WP.No.8992/2012 has not been addressed, this Court finds that



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the order dated 17.10.2022 is inappropriate and the said order is liable to

be reviewed insofar as WP.No.8992/2012.

(9) Since the issue has to be decided, this Court disposes of the review applications as follows:-

"The common order dated 17.10.2022 is recalled insofar as WP.No.8992/2012 is concerned. The writ petition namely, WP.No.8992/2012 shall be posted before the appropriate Bench for fresh disposal."

(10) No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J] [S.S., J]
16.12.2024

AP
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Neutral Citation: Yes
Index : Yes



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