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Rev.Appl.Nos.56 and 57 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.03.2024**

**CORAM:**

**THE HON'BLE MR. JUSTICE S.S.SUNDAR**

**and**

**THE HON'BLE MR.JUSTICE P.VELMURUGAN**

**Rev.Appl.Nos.56 and 57 of 2024**

**CMP.Nos.7098 and 7100 of 2024**

- 1.The Secretary to Government,  
Industries Department,  
State Secretariat, Fort St.George,  
Chennai-600 009.
- 2.The District Collector,  
Office of the District Collector  
at Kancheepuram,  
Kancheepuram District, Tamil Nadu.
- 3.The Special District Revenue Officer,  
Land Acquisition Office,  
SIPCOT Extension Project (Oragadam),  
No.39-A, CSI School Lane, Nehru Street,  
Sriperumbudur - 602 105,  
Kancheepuram District, Tamil Nadu.
- 4.The Special Officer cum  
Director of Rural Development,  
Tamil Nadu Bhoodan Board,  
Panagal Maaligai Building, Saidapet, Chennai.
- 5.The Special Tahsildar (L.A.),  
Oragadam Sipcot Expansion Planning Unit,  
Sriperumbudur-602 105,  
Kancheepuram District, Tamil Nadu.



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6.The Tahsildhar, Land Acquisition Office,  
SIPCOT Extension Project (Oragadam),  
No.39-A, CSI School Lane, Nehru Street,  
Sriperumbadur-602 105,  
Kancheepuram District, Tamil Nadu.

...

Review Applicants

vs.

1.V.Padmanabhan  
2.A.Ponnusamy  
3.R.Krishnamoorthy  
4.A.Veeraraghavan  
5.K.Muthu  
6.V.Govindaraj  
7.M.Govindaraj  
8.K.Sudharsanan  
9.A.Seeman,  
10.R.Devaraj  
11.R.Naranasamy  
12.Lakshmi  
13.Vijayan  
14.Kamaraj

..

Respondents 1 to 4  
in Rev.Appl.56/2024

15.The Chairman cum Managing Director,  
SIPCOT, No.19-A,  
Dr.Rukamani Lakshmipathi Road, Egmore,  
Chennai-600 008, Tamil Nadu.

..

15th Respondent in  
Rev.Appl.No.56/2024  
7th Respondent in  
Rev.Appl.No.57/2024

16.S.Nirmala  
17.S.Dhasarathan  
18.M.Navaneetham  
19.S.Rohini  
20.S.Pushpa Rani,



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21.S.Sugumar

.. Respondents 1 to 6  
in Rev.Appl.No.57 of 2024

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**Prayer:** Review Applications filed under Sections 114 and Order 47 Rule of Civil Procedure Code against the common order dated 14.12.2017 made in W.A.Nos.153 and 154 of 2016.

For Applicants : Mr.J.Ravindran,  
Additional Advocate General  
assisted by  
Mr.Arun Kumar,  
Additional Government Pleader

For Respondents : Mr.T.Mohan, Senior Counsel  
for Mr.C.Harish for R2 to R5, R7,  
R10 to R14  
Mr.Abishek Murthy for R15

### **COMMON ORDER**

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

Rev.Appl.No.56 of 2024 is directed as against the order dated 14.12.2017 passed in W.A.No.153 of 2016 and Rev.Appl.No.57 of 2024 is directed as against the order 14.12.2017 passed in W.A.No.154 of 2016. These two review applications are filed seeking review of the common order passed by this Court in W.A.Nos.153 & 154 of 2016 raising common grounds and therefore, these two review applications are disposed of by this common order.



## 2. Brief facts necessary for the disposal of these review applications

are as follows:

2.1. An extent of 12.30.0 Hectares comprised in S.No.49-1A/6B in Oragadam Village was acquired along with other lands for SIPCOT - third appellant herein. It is to be noted that acquisition proceedings was initiated by issuance of notification under Section 3 of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 [Tamil Nadu Act No.10 of 1999] in short "Industrial Purposes Act". Vide G.O.Ms.No.139, Industries (MIG-2) Department dated 03.11.2006, administration sanction was accorded for acquisition of vast extent of patta lands and transfer of 39.90.0 Hectares of poromboke lands. The respondents in these review applications are concerned with an extent of 12.63 acres in S.No.49/1A/6B, which was registered in the name of Bhoodan Board.

2.2. One Mr.V.Padmanabhan and 11 others filed W.P.No.17307 of 2008 challenging the notification issued under Section 3(1) of the Industrial Purposes Act, vide G.O.Ms.No.187, Industries (SIPCOT-LA) dated 4.7.2007 and to forbear the respondents therein from proceeding further in respect of the petitioners' agricultural lands comprised in Old S.No.49/1A6B and New



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Survey No.172, situated at Alamelumangapuram, Oragadam, Sriperumbudhur Taluk, Kancheepuram District.

2.3. Similarly, another individual by name M.Swaminathan, respondent in review application No.57 of 2024, filed W.P.No.13093 of 2008, seeking for a Writ of Mandamus directing the respondents therein to proceed with the eviction proceedings after issuing notice of opportunity, enabling the petitioners to raise objections, pursuant to G.O.Ms.No.139, Industries (MIG-II) Department dated 03.11.2006 in respect of an extent of 2 acres of land in S.No.49/1A/1B in the same village.

2.4. It is admitted by the writ petitioners and review applicants that the entire of 12.30 Hectares of lands comprised in S.No.49/1A/6B was owned by one Chakra Babu Naidu and 8 others, who donated the lands for Bhoodan Yagna, a movement initiated by Shri Acharya Vinobha Bave for the benefit of landless poor. It is the specific contention of the writ petitioners that they are landless poor belonging to Adi Dravidar community and because of their economic status, the petitioners were allotted each 2 acres of agricultural lands by the Bhoodan Board. It is their specific case that Bhoodan Board



identified beneficiaries, namely all the petitioners in the two writ petitions and allotted each of them 2 acres of land in S.No.49/1A/6B in Oragadam Village. It is their case that originally the lands were given to them in the year 1959. The fifth respondent in the writ petition is the Director of Rural Development, who was then the Executive Head of Tamil Nadu Bhoodan Board.

2.5. It is specifically stated that one of the Land Distribution Document issued by the representative of the Vinoba Bhave under the Bhoodan Movement, which was produced before the District Collector earlier would prove that distribution of lands by the representative of the Bhoodan Movement. It was in the said context, the petitioners, in the affidavit filed in support of the writ petition, specifically referred to the proceedings of the District Collector, Kancheepuram District dated 23.05.1996 in R.C.441/Bhoodan, which reads as follows:

*"Thiru.Manikam and 12 others of Sennakuppam village, Sriperumbudur Taluk, Chengalpattu MGR District have requested to issue land Distribution Deed in their favour, as they have lost their original deeds, perusal of the Bhoodan Board's file 441/Bhoodan reveals that the land in S.No.49/1A6B measuring 30.40 acres situated in Oragadam Village, Sriperumbudur Taluk Chengalpattu MGR District was earmarked to the Adi Dravidars of Sennakuppam and that it*



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*was distributed to 12 persons by Tamil Nadu Bhoodan Board. One of the land distribution deed dated 03.06.1959 produced by one Thiru.Kali, son of Appu reveals that Bhoodan Board has actually issued land distribution deeds in favour of the applicants at the rate of 2.00 acres each during 1959. (Copy of the deed is enclosed). Original deed is perused by me.*

*2. It is seen from the Adangals of above said Oragadam Village, that the applicants have been cultivating the above land by raising dry crops (Ragi and Varagu) for more than two decades.*

*3. And also inspection of the land by me on 14.05.1996, reveals that only dry crops are being raised. If well irrigation is provided the entire land can be raised with dry crops and as well as wet crops. DR 6A can under take a joint irrigation system by providing Jeevandhara Wells by forming a society of farmed under the societies Registration Act and DWCRA by women.*

*4. In the above circumstances the Additional Collector (Dev.) and project officer, Chengalpattu MGR District at Kancheepuram is requested to arrange to issue land distribution deeds by consulting the Special officer-cum-Director of Rural Development, Tamil Nadu Bhoodan Board, Madras in respect of Survey No.49/1A6B of Oragadam Village, Sriperumbudur Taluk, Chengalpattu MGR District in favour of the following 13 persons at the rate of 2.00 acres each.*

- 1.Thiru.Manickam, S/o. Thiru.Gangan*
- 2.Thiru.Kannaiyan, S/o. Thiru.Kuppan*
- 3.Thiru.Kali, S/o. Thiru.Appu*
- 4.Thiru.Masilamani, S/o. Thiru.Gangan*
- 5.Thiru.Seeman, S/o. Thiru.Anjooran*
- 6. Thiru.Rathinam, S/o. Thiru.Arumugam*
- 7. Thiru.Vembuli, S/o. Thiru.Murugan*
- 8.Thiru.Vevaraj, S/o. Thiru.Rathinam*



- 9.Thiru.Manickam, S/o. Thiru.Vembuli
- 10.Thiru.Veeraraghavan, S/o. Thiru.Ekambaram
- 11.Thiru.Veeraraghavan, S/o.Thiru Arumugam
- 12.Thiru.Narayanaswamy, S/o. Thiru.Rajagopal
- 13.Thiru.Govindaraj, S/o.Thiru.Vembuli.

*5. In anticipating the order of the Special officer cum Director of Rural Development, TamilNadu Bhoodan Board, Madras the Additional Collector (Dev.) and project Officer, D.R.D.A Kancheepuram may also consider forming a society of farmer for developing the poor peasants as well as protecting the lands. The remaining land after distribution may be used for community aforestation or raising fruit crops for the Bhoodan beneficiaries."*

2.6. A further communication from Additional Collector dated 17.06.1996, addressed to 5th respondent is also referred to. We deem it necessary that the contents of the said communication should also be extracted for convenience:

*"The Collector of Chengalpattu MGR District in the reference cited above has ordered that the Additional Collector (Development) and Project Officer, District Rural Development Agency, Kancheepuram should arrange to issue Land Distribution Deeds by consulting the Special Officer - Cum - Director of Rural Development, Tamil Nadu Bhoodan Board, Madras in respect of Survey No.49/1A6B of Oragadam Village, Sriperumbudur Taluk, Chengalpattu MGR District in favour of the following 13 persons at the rate of 2.00 acres each;*

- 1. Thiru.Manickam, S/o. Thiru.Gangan*



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2. *Thiru.Kannaiyan, S/o. Thiru.Kuppan*
3. *Thiru.Kali, S/o. Thiru.Appu*
4. *Thiru.Masilamani, S/o. Thiru.Gangan*
5. *Thiru.Seeman, S/o. Thiru.Anjooran*
6. *Thiru.Rathinam, S/o. Thiru.Arumugam*
7. *Thiru.Vembuli, S/o. Thiru.Murugan*
8. *Thiru.Vevaraj, S/o. Thiru.Rathinam*
9. *Thiru.Manickam, S/o. Thiru.Vembuli*
10. *Thiru.Veeraraghavan, S/o. Thiru.Ekambaram*
11. *Thiru.Veeraraghavan, S/o. Thiru Arumugam*
12. *Thiru.Narayanaswamy, S/o. Thiru.Rajagopal*
13. *Thiru.Govindaraj, S/o. Thiru.Vembuli.*

*The copy of the above proceedings is enclosed herewith.*

*I submit that I will send the proposals for the issue of "Dhana Pathram" to the above beneficiaries within one week and request that the Dhana Pathram may be issued after scrutinizing the proposals early."*

2.7. It is the specific case of the writ petitioners that they are in possession and enjoyment of the lands by doing cultivation all along. It is contended by the writ petitioners that the acquisition had been initiated to meet the unrealistic anticipation by referring to several facts. The acquisition



was challenged by raising multiple grounds in the writ petition. It is the specific case of the writ petitioners that the lands are fertile agricultural lands and therefore, it is the bounden duty of the respondents to ensure agricultural activity and not to identify these lands as lands for industrial development.

2.8. The fact that the writ petitioners are beneficiaries of the Bhoodan Movement and that they have been recognised as such to claim ownership and right, is specifically denied by the District Collector in his counter affidavit filed in the writ petition. Quite interestingly, the District Collector in his counter affidavit, particularly in para 8, referred to the proceedings of the District Collector dated 23.05.1996 and contended that the proceedings of the District Collector would also show that there is no deed of distribution of land or actual distribution of land by any document. Since the petitioner has specifically referred to the fact that there was a specific allotment by the fifth respondent, they obtained a letter from the fifth respondent to show that the patta in respect of one of the beneficiary by name Kali is not valid. It is admitted in the writ petition that no revenue patta was given to any of the writ petitioners.



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2.9. Considering the fact that the lands are acquired for public purpose and that the petitioners have no locus standi to challenge the wisdom of the Government acquiring lands for public purpose, the learned Single Judge of this Court dismissed the writ petitions, vide common order dated 20.11.2008. It is to be noted that the learned Single Judge, while dismissing the writ petitions challenging acquisition, specifically observed that the writ petitioners are entitled to agitate their claim for compensation, once the second respondent refers to the decision of Civil Court. From a reading of the order of the learned Single Judge, it would indicate that the writ petitioners are entitled to agitate their claim by seeking reference before the Civil Court. This order of the learned Single Judge was challenged by the writ petitioners in W.A.Nos.153 and 154 of 2016.

2.10. This Court, after referring to the proceedings of the District Collector dated 23.05.1996, has accepted the case of writ petitioners that the appellants in the writ appeals were cultivating lands by raising dry crops. Since the District Collector has also recommended to issue Land Distribution



Deeds in favour of the appellants, this Court held that the lands were distributed in favour of appellants, who were in possession and cultivating the lands. Further recommendation of the District Collector for digging a well under the Jeevandhara Scheme by forming a Society for irrigating the lands with both dry crops as well as wet crops etc., was also considered. Taking note of the fact that the land has been physically distributed to the list of persons at the rate of 2 Acres even in the year 1959, prior to the notification issued for acquisition of land, this Court rejected the contention of the review applicants that the writ petitioners are not entitled to any right over the lands. This Court also held that the District Collector is estopped from contending that the appellants are not the owners of land.

2.11. Even though the grounds raised by the writ petitioners challenging the acquisition proceedings cannot be countenanced, this Court found that the writ petitioners are entitled to compensation for the lands, as owners of the property. It is only by recognising the lawful possession of the writ petitioners and their possessory right, it was held that they are entitled for compensation. Therefore, the appellants were directed to pay compensation without insisting for distribution deed. Further, the writ petitioners were



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given liberty to file applications before the fourth respondent, who shall consider and dispose of the applications within a period of six months of filing such applications for reference.

2.12. It is only aggrieved by the direction to pay compensation to the writ petitioners/appellants, by the fourth respondent, these review applications have been filed.

2.13. It is to be noted that the review applicants have also preferred Special Leave Petitions against the order passed in the writ appeals and originally the Special Leave Petitions were dismissed for non-prosecution and thereafter application for restoration was allowed in M.A. Diary No.23846 / 2021 in d.No.15846/2019 and thereafter, the Hon'ble Supreme Court was not inclined to interfere with the judgment passed by this Court and therefore, the SLPs are dismissed by order dated 29.10.2021.

2.14. It was after a huge delay of more than 2140 days, the present review applications were filed by the applicants. It is to be noted that this Court was unable to find reasons for condoning the delay. Despite this Court



wanted the petitioners to file better affidavit, the petitioners have not availed the opportunity for the reasons best known to them. However, taking note of the submission of the learned Additional Advocate General that the delay was due to administrative reasons, this Court took a lenient view in condoning the said huge unexplained delay. Thereafter, the matter was heard atleast on two occasions elaborately.

3. The learned Additional Advocate General submitted that the writ petitioners are not entitled to compensation as the lands vested with the Bhoodan Board were never distributed or assigned to them by any process or procedure under the statute, namely Tamil Nadu Bhoodan Yagna Act, 1958 [hereinafter referred to as "Bhoodan Act"]. He refers to several provisions of the Bhoodan Act and submitted that the lands have been with Bhoodan Board under the Bhoodan Act upon donation and the same does not vest with beneficiaries or with the writ petitioners, who never got Distribution Deed or assignment under the provisions of the Bhoodan Act. Since the land was acquired by the Government, the learned Additional Advocate General contended that the property will be treated as one belonged to Bhoodan Board, who is entitled to get compensation for the lands. The learned



Additional Advocate General submitted that the proceedings of the District Collector dated 17.06.1996 cannot be relied upon as the appellants have realised that the whole proceedings must be fake, as the file number referred to in the proceedings of the District Collector was not allotted to the Rural Development Department at the relevant point of time. The learned Additional Advocate General has not filed any verifiable material to show the allotment of file numbers as well as the proceedings or records or proceedings relating to RC.No.441/Bhoodan. It is to be noted that the file number 441 refers to the proceedings of Boodhan Board and not District Collector. The learned Additional Advocate General further contended that the decision of this Court directing payment of compensation to the writ petitioners is an error and this Court has presumed certain facts not supported by documents. Since the land vest with Bhoodan Board, under the Bhoodan Act, there is no question of paying compensation to writ petitioners whose possession was never admitted.

4. *Per contra*, learned Senior Counsel for the respondents / writ petitioners would submit that this Court has consciously applied Law on the factual issues and came to the conclusion that the writ petitioners are entitled



to compensation. The learned Senior Counsel for the respondents tried to make a distinction between the error apparent on the face of the record, as against the order which is erroneous. He also relied upon a few judgments of this Court as well as the Hon'ble Supreme Court in support of his arguments on the maintainability of review applications. The learned Senior Counsel for the respondents relied upon the judgment of the Full Bench of the Andhra Pradesh at Hyderabad in the case of ***Land Acquisition Officer cum R.D.O.Chevella Division, Hyderabad and Others v. Mekala Pandu and Others [2004 (3) CTC 19]***, wherein the rights by way of assignment of Government lands is held to be an absolute right to claim title over the property.

5. The sum and substance of the arguments of the learned Senior Counsel for the respondents in the review application is that the appellants cannot maintain the review applications on the facts admitted, particularly having regard to the scope of review under Order 47 Rule 1 CPC, as repeatedly reiterated by this Court in several judicial pronouncements.

6. This Court finds that the proceedings of the District Collector dated



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23.05.1996 and subsequent proceedings of Additional Collector were considered by this Court to grant the relief to the petitioners holding that they are entitled to compensation for the lands in which they were in possession and doing cultivation for more than 20 years. From the proceedings of the District Collector, it is seen that the District Collector has recognized the beneficiaries as persons entitled to get Distribution Deed in accordance with the provisions of the Bhoodan Act.

7. It is to be noted that the Bhoodan Act was enacted following the movement of the Great Acharya Vinoba Bave. The movement of Acharya Vinoba Bave attracted many benevolent landowners to come forward to donate lands for the benefit of the landless poor or for community purposes. Even before enacting Bhoodan Act, which was enacted in the year 1958, several persons have donated lands in favour of Bhoodan Movement. Even before a machinery provided under a Statute to accept such gifts or to distribute, people have donated lands. After the enactment, the State was directed to constitute a State Board with the participation of the persons nominated by Acharya Vinoba Bave.



WEB COPY 8. It is to be noted that all lands donated for the purpose of Bhoodan Movement vest with the State Board. However, such vesting is subject to an obligation to distribute the lands in tune with Section 18 and other provisions in favour of landless poor persons, who is able and willing to cultivate the lands. The Bhoodan Board therefore only act as a Trustee of the lands for the purposes of distribution of such lands to the landless poor or eligible landless persons to get allotment. Though lands vest with the Bhoodan Board for administration and distribution, this Court cannot have a different view than to reject the argument of the learned Additional Advocate General that the petitioners, who are in possession and enjoyment all along, has no right to claim compensation for the lands.

9. The scope of review is limited as per the provisions of Order 47 Rule 1 CPC, where this Court can review the judgment or order only when there is error apparent on the face of the record. Only when an error is apparent or manifest by looking at the order, the Court can review a judgment. Even if an error is required to be detected by a process of reasoning, there is no scope of review to entertain a review application under



Order 47 Rule 1 CPC. Even if it is erroneous, the decision can be challenged only before the Appellate Court.

10. The Hon'ble Supreme Court in ***Perry Kansagra v. Smriti Madan Kansagra [(2019) 20 SCC 753]***, has elaborately considered the scope of review and has summarised the propositions as reiterated by the Hon'ble Supreme Court and High Court in the following lines:

*“15.The law on the subject—exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:*

*(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*

*(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the (2000) 6 SCC 224 Perry Kansagra vs. Smriti Madan Kansagra record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*

*(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.*

*(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.*

*(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”*



WEB COPY 11. The learned Senior Counsel for the respondents has also relied upon a judgment of the Hon'ble Supreme Court in ***S.Murali Sundaram v. Jothibai Kannan and Others [2023 SCC Online SC 185]***, where the Hon'ble Supreme Court has held as follows:

*"18. Applying the law laid down by this Court in the aforesaid two decisions to the facts of the case on hand, we are of the opinion that in the present case while allowing the review application and setting aside the judgment and order dated 03.03.2017 passed in Writ Petition No.8606 of 2010 the High Court has exceeded in its jurisdiction and has exercised the jurisdiction not vested in it while exercising the review jurisdiction under Order 47 Rule 1 read with Section 114 CPC. From the reasoning given by the High Court, it appears that according to the High Court the judgment and order passed in Writ Petition No.8606 of 2010 was erroneous. While passing the impugned judgment and order the High Court has observed and considered the Survey Report dated 12.12.2007 which was already dealt with by the High Court while deciding the main writ petition and the High Court discarded and/or not considered the Survey Report dated 12.12.2007. Once the Survey Report dated 12.12.2007 fell for consideration before the High Court while deciding the main writ petition thereafter the same could not have been considered again by the High Court while deciding the review application."*

12. From the facts recorded by the Hon'ble Supreme Court in the judgment referred to above, the same can be applied to this case. This Court has taken a decision consciously by relying upon the report of the District



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Collector dated 23.05.1996 and the subsequent proceedings of Additional Collector and upheld the entitlement of the writ petitioners to claim compensation for the lands in which they were doing cultivation, after recognizing them as eligible beneficiaries for allotment under the Bhoodan Act. The said decision cannot be challenged by way of review on the ground that this Court fails to take note of certain facts which are not even brought to our notice during this review, except some vague submissions.

13. Therefore, this Court is not inclined to entertain the review applications and accordingly the review applications are dismissed for want of merits.

14. Considering the huge delay in filing the review applications, this Court is also inclined to direct the appellants to disburse the amount of compensation to the eligible persons in respect of the lands for which the writ petitioners have filed writ petitions, within a period of eight weeks from the date of receipt of a copy of this order. It is admitted that a sum of Rs.4,86,08,000/- had been deposited before the Sub Court Kancheepuram. By virtue of the order passed by this Court. the learned Principal Subordinate



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Judge, with whom the amount is deposited, is directed to number the LAOP for apportionment and decide the entitlement of the writ petitioners to the quantum of compensation on a reference by the Land Acquisition Officer, who shall do that within two weeks from today. The distribution of compensation amount in equal proportion along with interest accrued to all the 13 writ petitioners shall be within a period of two months from the date of receipt of a copy of this order.

15. These Review Applications stands dismissed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [P.V., J.]  
28.03.2024

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and  
**P.VELMURUGAN, J.**

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