



WEB COPY



Rev.Appn.8 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2024

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA

Review Application (Writ) No.8 of 2024
and WMP.No.1207 of 2024

R.Tara

... Review Applicant/Respondent-5

.Vs.

1.J.Sekar
2.Member Secretary, CMDA
Thazha Muthu Natarajan Building
Egmore, Chennai
3.Radha Ramesh
4.Radha Ramesh
5.Naveen Singh
6.R.H.Felix Christy Francis
7.Vijayalakshmi Jayavelu
8.A.P.Arumugaraj
9.Swethambara
10.Sunder Ram

... Respondents

Prayer: Review Application filed to review the order dated 27.09.2023 passed by this court in W.P.19722 of 2023 and consequently direct the initiation of the appropriate perjury proceedings against the respondent No.1 for filing the forged document in W.P.No.19722 of 2023.



Rev.Appn.8 of 2024

WEB COPY

For Review Applicant : Mr.G.Srinivasan

ORDER

J.NISHA BANU, J.

This review application is filed seeking to review the order dated 27.09.2023 passed by this court in W.P.19722 of 2023 stating that the discovery of new and important matter of evidence could not be produced as documentary evidence which is quite relevant to the entire issue and that the conversion of open terrace can be retrospectively applied and approved and sought to consider the prayer.

2. The learned counsel for the review applicant would submit that open terrace conversion of the flats 401-408 resulted in the increase of FSI @ 1.63 and is well within the “Approved” or “Deemed to have been approved” plan. The learned counsel further submits that documents that are necessary to review the order dated 27.09.2023, has been filed along with this review applicant and prayed to take into consideration those documents in the present review.



Rev.Appn.8 of 2024

3. We have gone through the entire typed set of papers filed in this review application. It is relevant to point out herein that W.P.No.19722 of 2023 was heard in detail and after going through the Development Regulations and the sanctioned plan, we have directed the CMDA to take enforcement action in accordance with law as Unauthorised construction in violation of the approval granted, cannot be condoned, unless the rectification of defects is carried out.

4. The arguments raised by the learned counsel for the review applicant seeking to approve the violation for the reason that sale of flats was over and all flats got electricity connection, do not merit acceptance.

5. In our considered view, the review applicant is trying to seek a re-hearing of the matter which is not within the scope of the review. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. Review is not appeal in disguise. The learned counsel for the Review Applicant could not point out any error apparent on the face of the order dated 27.09.2023 passed in W.P.No.19722 of 2023.



Rev.Appn.8 of 2024

6. In such view of the matter, we find that no grounds of review is made out. Accordingly, the Review Application is dismissed. No costs. Consequently, connected WMP is closed.

(J.N.B, J.) (N.M., J.)
05.07.2024

nvsri

To

1.The Member Secretary, CMDA
Thazha Muthu Natarajan Building
Egmore, Chennai



WEB COPY



Rev.Appn.8 of 2024

J. NISHA BANU, J.
and
N.MALA, J.

nvsri

Rev. Aplw.No.8 of 2024

05.07.2024