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Rev.App.189 of 2023

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.189 of 2023

Jaffer Khan

...Petitioner/Respondent-3

.Vs.

1.M.Javid Tamiz
2.The Commissioner
Corporation of Chennai
Rippon Building
Park Town
Chennai-600 003

3.The Executive Engineer
Zone-5
Sowcarpet,
Chennai-600 079

... Respondents

Prayer: Review Application filed to review the order dated 22.09.2023
passed in W.P.No.34648 of 2019.

For Review Applicant : Ms.Y.Kavitha



Rev.App.189 of 2023

ORDER

J.NISHA BANU, J.

This review application is filed seeking to review the order dated 22.09.2023 passed in W.P.No.34648 of 2019.

2. The learned counsel for the review applicant would submit that the petitioner-review applicant has purchased the subject property and put up new superstructure consisting of ground and first floor. The 1st respondent-writ petitioner lodged a police complaint claiming right over the property and even thereafter, he was frequently giving threat.

3. According to the Review Applicant, the land upon which he put construction is 560 sqft and as per the Rules, when the land is less than 800 sq.ft, there is no provision for Planning Permission. However, the 2nd respondent issued lock and seal and Demolition Notice on 13.07.2018 and thereafter, in W.P.No.16356 of 2018, this court observed that the entire building is sealed on 29.10.2019. Thereafter, the first respondent filed W.P.No.34648 of 2019. This court recorded the submission of the counsel for the 3rd respondent-tenant that he had vacated the premises and further



Rev.App.189 of 2023

directed the respondents 1 and 2 to take further enforcement action.

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4. The learned counsel for the review applicant would submit that the review applicant obtained planning permission on 10.12.2019 and the same is valid till 10.06.2024 and he is entitled to apply under Section 49 r/w.56 (3) for retention of building so that the building be bring under the planning parameters. The learned counsel therefore sought to review the order dated 22.09.2023.

5. We have gone through the entire typed set of papers filed in this review application. The 2nd and 3rd respondent-Greater Chennai Corporation authorities, found that in the subject property, unauthorised construction has been carried out in the ground, first and second floor and therefore, issued lock and seal and demolition notice and thereafter, the occupant of the unauthorised building approached this court. This court called for report and after recording the submissions of the learned counsel on either side, directed the Greater Chennai Corporation to take enforcement action in accordance with law.



Rev.App.189 of 2023

6. In such circumstances, 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 22.09.2023 passed in W.P.No.34648 of 2019.

7. In the light of the above reasonings, we find that no grounds of review is made out. Accordingly, the Review Application is dismissed. No costs.

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

nvsri

To
1.The Commissioner
Corporation of Chennai
Rippon Building
Park Town, Chennai-600 003
2.The Executive Engineer
Zone-5, Sowcarpet,
Chennai-600 079



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Rev.App.189 of 2023

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

nvsri

Rev. Aplw.No.189 of 2023

05.07.2024