



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

C.MP.No.24210 of 2024
In Rev. Appl. Sr. No.143836 of 2024

S. Shanthi

...Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri.

2.The Assistant Director,
Survey and Land Records Department,
Collector Office, Krishnagiri.

3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

4. The Tahsildar,
Hosur Taluk,
Krishnagiri District.

5. K.Anbazhagan

...Respondents

Prayer in CMP 24210/24 : Petition filed under Section 151 of the Code of Criminal Procedure, praying to grant leave to the petitioner to file review for



modifying paragraph 10 and for deleting paragraph 11 of the judgment dated 9.7.2024 in WA No.2099 of 2023.

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Prayer in Rev. Appl. SR No.143836 of 2024 : Review Application filed under Order 47 Rule 1 read with Section 114 of the Code of Criminal Procedure, praying to modify the paragraph 10 and delete the paragraph 11 of the judgment dated 9.7.2024 made in WA No.2099 of 2023.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.P.Sathish, for RR 1 to 4

Mr.R.Bharath Kumar, for R5

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks leave to prefer a review of the order dated 09.07.2024. The Review relates to para 10 and 11 of the order passed by us on 09.07.2024 and they read as follows:



10. We therefore dismiss the Writ Appeal with the cost of Rs.50,000/-. The direction issued by the Writ Court shall be implemented within a period of 12 weeks from today. Consequently, the connected miscellaneous petition is closed.

11. Since we have found that the first appellant District Revenue Officer had passed an order in a pedantic manner forcing the petitioner to approach this Court and despite the Writ Court allowing the Writ Petition, the Government has chosen to file an Appeal, the Government will pay a cost of Rs.50,000/- which will be recoverable from the salary or pension of the first appellant viz. the District Revenue Officer Tmt.Shanthi B.E., who had passed the order impugned in the Writ Petition. The cost shall be paid to CANCARE FOUNDATION, 3A, Ramaniyam Saras, 39/17, 4th main Road, Gandhi Nagar, Adayar, Chennai-600020. The bank details are:

Axis Bank Ltd. Address: 82, Dr. Radhakrishnan Salai, Mylapore, Chennai - 600004 Tamil Nadu Axis Bank, Mylapore branch SB Account No. 910010023217651 IFSC Code: UTIB0000006. The costs shall be paid within a period of four weeks from the date of receipt of a copy of this order.



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2. The direction is to the Government to pay the cost and cost was imposed because of the pedantic manner in which the order impugned in the Writ Petition was passed by DRO, who was in office on 30.07.2018. Of course the petitioner would claim that she had not taken decision to file the Appeal and she was transferred out of that place in 2020, even before the Writ Court disposed of the Writ Petition.

3. The affidavit proceeds on the premise that costs were imposed because the Appeal was filed. That premise itself is erroneous. Cost was imposed for having passed such an unreasonable order in a pedantic manner without adhering to any principles of law. Therefore, we do not think we can recall or review the order. However, taking note of the fact that the appellant was not responsible for filing of the Appeal, the clause relating to recovery of the cost from the salary or pension of the petitioner alone is deleted. The cost will be payable by the Government and it shall not be recovered from any one. The imposition of cost will not have any bearing in the service records of the petitioner.



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4. With the above observation, the Civil Miscellaneous Petition is disposed of and the Review Application in Rev.Appl. SR. No.143836 of 2024 will stand rejected.

(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)

28.11.2024

jv

Index : Yes/No
Neutral Citation : Yes/No
Speaking order /Non Speaking order



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and
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