



Rev.Aplw.Nos.235 and 206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Aplw.Nos. 235 and 206 of 2023

Rev.Aplw.No.235 of 2023

1. GEE GEE KAY PVT LTD
REP.BY V.GURUMURTHY,
S/O.LATE VELUCHAMY THEVAR,
NO.103-A (OLD PLOT NO.E-320),
NELSON MANICKAM ROAD,
AMINJIKARAI, CHENNAI-600 029.
2. RAJESWARI CHEMICAL CARRIERS
BY ITS PROP. RAJESWARI,
NO.103-B (OLD PLOT NO.E-321),
NELSON MANICKAM ROAD,
AMINJIKARAI,CHENNAI-600 029.

.. Applicants

Vs

1. S.PRABHAKAR
2. THE PRINCIPAL SECRETARY,
Commissioner of Land Administration and
Commissioner of Survey and Settlement,
Ezhilagam, Chepauk, Chennai - 600 005.
3. THE ADDITIONAL DIRECTOR,
Land Survey Department,



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Chepauk, Chennai - 600 005.

4. THE REVENUE DIVISIONAL OFFICER

Egmore Revenue Division,
Chennai - 600 031.

5. THE TAHSILDAR,

Egmore, Chennai - 600 008.

6. A.NAGAMUTHU

7. THE SECRETARY TO GOVERNMENT,

Public Works Department,
Fort St.George, Chennai-009.

8. THE EXECUTIVE ENGINEER

Public Works Department,
Buchingham Canal Division,
Chennai - 600 005.

9. THE ASST.EXECUTIVE ENGINEER,

Public Works Department,
Cooum Sub-Division,
Chennai - 600 005.

.. Respondents

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B.NAGAMUTHU

.. Applicant

Vs

1. S.PRABHAKAR

2. THE PRINCIPAL SECRETARY

COMMISSIONER OF LAND ADMINISTRATION AND
COMMISSIONER OF SURVEY AND SETTLEMENT,
EZHILAGAM, CHEPAUK, CHENNAI - 600 005.

3. The Additional Director,

Land Survey Department,



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Chepauk, Chennai - 600 005.

4. The Revenue Divisional Officer
Egmore Revenue Division,
Chennai - 600 031.
5. The Tahsildar,
Egmore,
Chennai - 600 008.
6. GEE GEE KAY PVT. LTD,
REP.BY V.GURUMURTHY,
S/O.LATE VELUCHAMY THEVAR,
NO.103-A (OLD PLOT NO.E-320),
NELSON MANICKAM ROAD,
AMINJIKARAI, CHENNAI-600 029.
7. RAJESWARI CHEMICAL CARRIERS,
REP.BY ITS PROP. RAJESWARI,
NO.103-B(OLD PLOT NO.E-321),
NELSON MANICKAM ROAD,
AMINJIKARAI, CHENNAI-29.
8. The Secretary to Government,
Public Works Department,
Fort St.George, Chennai-9.
9. The Executive Engineer
Public Works Department,
Buehingham Canal Division, Chennai-5.
- 10.The Asst.Executive Engineer,
Public Works Department,
Cooum Sub-Division, Chennai-5.

.. Respondents

Prayer in Rev.Aplw.No.235 of 2023: Review Application filed under Order XLVII Rule 1 read with Section 114 of the Civil Procedure Code to review the order dated 25.1.2023 made in W.P.No.4966 of 2017.



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Prayer in Rev.Aplw.No.206 of 2023: Review Application filed under Order XLVII Rule 1 read with Section 114 of the Civil Procedure Code to review the orders passed on 13.2.2023 (for being mentioned) in pursuance of order dated 25.1.2023 made in W.P.No.4966 of 2017.

For the Applicants in : Mr.S.Thiruvengadam
Rev.Aplw.No.235/2023
and sixth respondent in
Rev.Aplw No.206 of
2023

For Respondents 2 to 5, : Mr.C.Kathiravan
7 to 9 in Rev.Aplw. Special Government Pleader
No.235/2023 and for respondents
respondents 2 to 5 in
Rev.Aplw.No.206/2023

For 1st respondent in : Ms.S.Sasikala
both review
applications

For Review Applicant in : Mr.B.Murugesan
Rev.Aplw.No.206 of
2023 and 6th
respondent in
Rev.Aplw.No.235/2023

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

The review applicants seek review of the order passed by a Division Bench of this court dated 25.1.2023 in W.P.No.4966 of 2017 and the order passed on 13.2.2023, when the matter was



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listed for being mentioned. Under the said order, this court directed the removal of encroachments in the waterbody as per G.O.Ms.No.540, dated 4.12.2014.

2. One review application is filed by respondents 5 and 6 in the writ petition and another by the seventh respondent in the writ petition.

3. G.O.Ms.No.540, dated 4.12.2014 was issued laying down the methodology for removal of the encroachment. Show cause notices were issued to the encroachers on the basis of the said government order. However, no action was undertaken. As such, the writ petition was filed.

4. The review applicants [respondents 5 to 7 in the writ petition] submitted that the land in question is a PWD land and not a waterbody, however, they were not in a position to demonstrate that the land in question is a PWD land and not a waterbody. By the order under review, the writ petition was allowed and the



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respondent authorities were directed to take steps for eviction of the encroachments.

5. In the present review applications also, the review applicants are not in a position to demonstrate that the land in question is a PWD land and not a waterbody. The basis of possession as put forth by respondents 5 and 6 in the writ petition is a lease agreement, which period expired long back. The seventh respondent is not in a position to demonstrate on what basis he is in possession of the property.

6. In the light of that, the review applications are devoid of merits and are accordingly dismissed. There shall be no order as to costs. Consequently, W.M.P.Nos.36022 and 36023 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

09.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To:

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5. THE TAHSILDAR,
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6. THE SECRETARY TO GOVERNMENT,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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