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Review Application No.44 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

Review Application No.44 of 2024

N.Ayyavoo ... Petitioner

-Vs-

1.The Principal Secretary and Commissioner
of Land Administration, Chepauk
Chennai-5.

2.The District Collector
Salem District, Salem.

3.The Revenue Divisional Officer
Attur, Salem District.

4.The Tahsildar
Attur Taluk, Salem District. ... Respondents

Prayer : Review Application under Order 47 Rule 1 read with Section 114 of C.P.C.,
to review the order in W.a.No.1499/2009 dated 21.10.2009.

For Petitioner : Ms.S.Meenakshi
or Mr.L.Palanimuthu

For Respondents : Mr.K.Suresh
Government Advocate



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ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

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The review application is taken on board. This review application has been filed seeking to review the order passed by the Division Bench dated 21.10.2009.

2. In fact the petitioner had filed an application to the District Collector seeking for assignment of land. That was rejected by the District Collector, Salem by his proceedings dated 19.12.2008. Against the said rejection order, the petitioner filed an appeal / revision before the Government ie., Commissioner for Land Administration. The said appeal was disposed of by the order passed by the Land Commissioner dated 22.01.2009, where the Land Commissioner has accepted the reason given by the District Collector that the land in question, which was sought for assignment by the petitioner since is required for the expansion of the college, that plea of assignment of land cannot be accepted. The said rejection order of the District Collector since has been accepted by the Land Commissioner, he has rejected not only the stay petition, but also the main appeal itself by order dated 22.01.2009. As against the said rejection order, the petitioner filed writ petition in W.P.No.5861 of 2009, which was also rejected by the writ Court by order dated 25.08.2009, as against which he filed an appeal in W.A.No.1499 of 2009.

3. A Division Bench of this Court by order dated 21.10.2009 dismissed the writ appeal by confirming the order passed by the writ Court. The learned Single



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Judge as well as the Division Bench has considered the merits of the case. As the land in question since was required for expansion of the college called Arignar Anna Arts and Science College and admittedly the land in question in S.No.8/1 at Sadhasivapuram village, Attur Taluk measuring an extent of 46.04.5 hectares stood in the name of the said college, enquiry conducted by the District Collector also has revealed that the lands would be required for the college for its future expansion and use.

4. Since the land in question has already been classified and has been assigned to the College called Arignar Anna Arts and Science College as per the revenue records and the appellant being an encroacher, he cannot seek for any assignment as a matter of right.

5. Accordingly, the Division Bench dismissed the writ appeal by order dated 21.10.2009, which order is now sought to be reviewed. We do not find any plausible reason to interfere or review the order passed by the Division Bench, where reasons have been given as to why they rejected the writ appeal by confirming the order passed by the writ Court, where also the learned Single Judge who dismissed the writ petition filed by the petitioner against the order passed by the Commissioner for Land Administration, has given reasons.



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6. Therefore, we do not see any error apparent on the face of the record, which alone would require a review of the order passed. Accordingly, we feel that the review application need not be entertained and hence the same is dismissed. No costs.

(R.S.K.,J.) (K.B.,J.)
05.03.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
KST

To

- 1.The Principal Secretary and Commissioner
of Land Administration, Chepauk
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(Order of the Court was made by **R.SURESH KUMAR, J.**)

We disposed of the above Review Application by our order dated 05.03.2024, where, we dismissed the said review application on merits.

2. However, Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the Review Applicant, at whose instance the case is taken up for hearing 'for being mentioned' today, has submitted that the petitioner had already filed civil suits in O.S.No.187 of 2008 and O.S.No.36 of 2009 seeking declaration of title and permanent injunction and those suits are pending consideration before the competent civil Court.

3. Therefore, the learned Senior Counsel would contend that the dismissal of this review application on the reasons / observations made in the order dated 05.03.2024 shall not stand in the way before the Civil Court to decide the pending suits on merits. Therefore, to clarify that position the case has been brought before us today under the caption 'for being mentioned'.

4. We have heard the learned Senior Counsel for the applicant and the



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learned Government Advocate for the respondents.

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KST

5. Since the suits are pending already and the same has to be decided by the competent Civil Court in accordance with law, of course on merits, we feel that the dismissal of this Review Application and the reasons given in our order dated 05.03.2024 for dismissal of the review application shall not stand in the way in disposing the civil suits on merits and in accordance with law by the Civil Court.

6. We make this clarification and the Registry is directed to issue the order along with this clarification also.

(R.S.K.,J.) (K.B.,J.)
08.03.2024

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