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Rev.Aplw(MD) No.68 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

REV.APLW.(MD) No. 68 of 2024

- 1.G.Balamuran
- 2.Shanmugasundaram
- 3.Karthick

...Review Applicants / Respondents

Vs.

- 1.Mohammed Mustafa Yasin
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.
- 4.A.Jassilet Mary
- 5.S.Shalikal
- 6.S.Pandaram
- 7.S.Raja
- 8.D.Selvi (died)

...Respondents/Appellants

PRAYER: This Review Application is filed under Order 47 Rule 1 r/w Section 114 of the Civil Procedure Code to review the judgment dated 12.02.2024 passed in W.P.(MD)No.13341 of 2018.



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For Petitioner : Mr.V.Meenakshi Sundaram
For R2 : Mr.T.Amjadkhan
Government Advocate
For R1 : Mr.M.Thirunavukkarasu
For R3 : Mr.P.Athimoola Pandian

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This review application is filed seeking to review the judgment of this Court dated 2.02.2024 made in W.P.(MD)No.13341 of 2018.

2.The core ground raised by the learned counsel for the review applicants is that the land in Survey No.1337/1B is not vested with the local body. Further, the proposal for reclassification of land in question as 'Athi Dravida Natham' is pending before the District Collector. However, in the order dated 12.02.2024, it has been recorded that the land in question is classified as 'street'. On this ground, the order of this Court is sought to be reviewed.



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3.In the order dated 12.02.2024, this Court had only directed the Municipality to take necessary action for removal of encroachment following the procedure as contemplated under law within a period of twelve weeks from the date of receipt of a copy of that order. This Court has not expressed any opinion on the merits of the matter.

4.In such view of the matter, in the absence of any error apparent on the face of the record, the review cannot be entertained mechanically. If such type of review application is entertained, it will be just like sitting over the own judgment by the same Court as an appellate court, which leads to serious complications.

5.For the reasons stated above, this Court does not find any merit in this review application and accordingly, the Review Application is dismissed.
No costs.

[D.K.K., J.] & [R.V., J.]
22.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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To

- 1.Tirunelveli District,
Tirunlveli.
- 2.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

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