



Rev.Apl.W(MD)No.101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.101 of 2022
in
W.P.(MD)No.21952 of 2018
and
W.M.P.(MD)No.12935 of 2023

1.P.P.V.Annamalai

2.P.P.V.Panchacharam

3.P.P.V.Subaiah

4.P.P.V.Velayutham

... Review Applicants

Vs

1.The Divisional Railway Manager,
Southern Railway,
Madurai - 625 002.

2.Deputy Chief Engiener,
Gauge Conversion/I,
Triuchirapalli.

3.Executive Engineer,
Gauge Conversion,
Triuchirapalli.

4.The Revenue Divisional Officer,
Collectorate Complex,
Sivagangai.



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5.The Tahsildar,,
Weekly Market Road,
Sivagangai.

... Respondents

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Civil Procedure Code, to review the order of this Honble Court in W.P.(MD) No.21952 of 2018 dated 14.11.2018.

For Review Applicants : Mr.S.Ramesh

For Respondents : Mr.S.Jeyasingh,
Central Govt. Standing Counsel for R1 to R3.
Mr.K.Balasubramani,
Spl. Government Pleader for R4 & R5.

ORDER

Heard both sides.

2.The review applicants filed W.P.(MD)No.21952 of 2018 for directing the respondents 1, 4 and 5 to consider their representation and to pass appropriate orders and grant compensation for having acquired the petition mentioned lands. The writ petition was disposed of by me on 14.11.2018 with a direction to the Revenue Divisional Officer, Sivagangai to dispose of the petitioners' request.



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3.The petitioners filed Cont.P.(MD)No.1114 of 2021 against the said Revenue Divisional Officer. When the matter was taken up for hearing, the Revenue Divisional Officer took the stand that they never acquired the lands belonging to the petitioners. Recording the said submission, the contempt petition was closed granting liberty to the petitioners to proceed against Railways.

4.Cont.P.(MD)No.836 of 2022 was filed against Railways. It was closed by me on 12.10.2022 on the ground that since no direction was passed by me against Railways, contempt petition would not lie against them. I however granted liberty to file a review application. Availing the said liberty, the present review application has been filed.

5.The learned Special Government Pleader produced copy of the petition filed by one Karuppiah before the District Revenue Officer, Sivagangai. From a reading of the said petition, one gets the impression that the petition mentioned lands (S.Nos.24/1 and 25/1) were acquired for the benefit of Railways way back in the year 1928. But this stand was not taken when the writ petition was taken up for disposal. The learned counsel for the petitioners produced two other communications,



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one from the Tahsildar and another from the in-charge Revenue Divisional Officer, Sivagangai indicating that the petition mentioned lands were taken over by Railways some time in the year 2009.

6.These relevant facts had not been placed before me when W.P.(MD)No.21952 of 2018 was disposed of. The authorities have to take clear and categorical stand. They must clarify if the petition mentioned lands were acquired or not acquired. The prayer in the writ petition is for grant of compensation. Because of non-placement of relevant materials, the order dated 14.11.2018 came to be passed. It suffers from a clear error on the face of record. The order dated 14.11.2018 disposing of W.P.(MD)No.21952 of 2018 is set aside and the review application is allowed. W.P.(MD)No.21952 of 2018 is restored to file. The Registry shall place the writ petition before the Hon'ble Judge holding the roster for passing final order. Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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