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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

REV.APLC.W(MD)No.85 of 2025

and

W.P(MD) No. 16609 of 2023

D. John Alfred

..Review Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development Department,
Secretariat, Chennai 9
2. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai 9.
3. The Director,
Department of Town and Country Planning,
Annasalai, Chennai.



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4. The Nagercoil Local Planning Authority,
Rep. by its Member Secretary (District Collector),
Collectorate, Nagercoil,
Kanyakumari District.

5. The Nagercoil Corporation,
Rep. by its Commissioner,
Nagercoil, Kanyakumari District.

..Respondents

PRAYER : Review Application is filed under Order 47 Rules 1 and 2 of Civil Procedure Code read with Section 114 of Civil Procedure Code to review the Judgment dated 29.04.2025 passed in W.P(MD)No.16609 of 2023 by this court.

For Review Petitioner : Mr.V.R.Shanmuganathan

For Respondents 1 to 3 : Mr.V.Om Prakash,

Government Advocate

ORDER

[Order of the Court was made by the Hon'ble S.SRIMATHY, J]

This Review Application is filed praying to review the order passed in W.P(MD)No.16609 of 2023 dated 29.04.2025.



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2. The learned Counsel appearing for the review applicant submitted that originally the building plan approval was granted in the year 1996 by both Nagarcoil municipality and the Member Secretary of Town the Planning. Thereafter, a small portion of land admeasuring 1.66 cents was gifted to the Municipality for road expansion at their request. There was a revised building plan submitted in 1996 and 1998, which were approved. Again the 3rd revised plan was submitted in year 1998, but the same was rejected without proper grounds and notice was issued to the petitioner in the year 2002. This Court after considering the same had directed the respondents to consider the revised plan.

3. However there is an error in the order, wherein the Court had recorded that the review applicant had submitted 2002 plan. And further directed to consider the 1996 plan approval application. But the respondent ought to consider the 3rd plan approval submitted in the year 1998. Since there is an error apparent on the face of the record, the review application ought to be allowed.



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4. Considering the facts and circumstances of the case this Court is passing the following order:

- (i) The Review Application is allowed.
- (ii) The review applicant shall be permitted to reopen the building as per 2nd revised plan approved in the year 1998.
- (iii) The review applicant shall submit an application to retain the building as per 3rd revised plan submitted in the year 1998.
- (iv) The said application shall be considered by the respondents within a period of two weeks. No costs.

[J.N.B.,J.] [S.S.Y.,J.]

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Index: Yes / No

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J.NISHA BANU, J.
and
S.SRIMATHY, J.

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