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Rev. Aplw. (MD).No.216 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Rev. Aplw. (MD).No.216 of 2024

&

W.M.P. (MD).No. 22438 of 2024

1.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Palayamkottai, Tirunelveli – 627 009.

2.The Tahsildar,
Palyamkottai Taluk Office,
Palayamkottai.

...Petitioner

Vs.

M.A.S.Syed Mohammed

...Respondent

Prayer: Review Petition is filed under Order 47 Rule 1 and 2 r/w
Section 114 of CPC to review the order passed in W.P.MD.No.18910
of 2024 dated 07.08.2024.

For Petitioners : Mr. B.Saravanan
Additional Government Pleader.



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Rev. Aplw. (MD).No.216 of 2024

ORDER

The above review petition is filed seeking to review the order passed by this Court in W.P.MD.No.18910 of 2024.

2. The Writ Petition had been filed seeking a mandamus directing the respondents to issue patta by considering the representation dated 28.01.2024 and an earlier order of this Court dated 30.08.2022 in W.P.MD.No.20419 of 2022.

3. In the said Writ Petition, namely, W.P.MD.No.20419 of 2022, this Court had declared the reservation made in respect of the property measuring an extent of 25 cents in S.No.86/1, 2, 3/c, situate at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District, which was earmarked in the Melapalayam Detailed Development Plan No.5 as scheme road / park as having been lapsed.



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4. The reason for declaring the same as having lapsed was on account of the fact that no steps whatsoever has been taken to acquire the lands and on a reading of the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the learned Judge had held that the reservation had lapsed.

5. As a sequel, the petitioner had sought for issue of patta and since that was not granted, he had approached this Court once again by filing W.P.(MD).No.18910 of 2024. This Court by order dated 07.08.2024 taking into account the order passed in W.P.(MD).No. 20419 of 2022 had directed the respondents to issue patta.

6. It is seeking to review the order passed in W.P.(MD).No. 18910 of 2024, that this review petition has been filed.

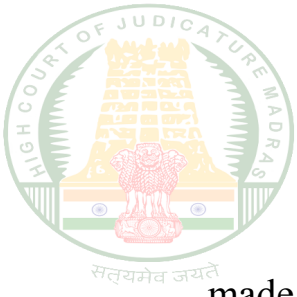
7. It is argued that in the Writ Petition in W.P.(MD).No.20419 of 2022, the petitioner has not chosen to implead the revenue authorities



and had obtained the order behind their back. Likewise, in W.P. (MD).No.18910 of 2024 they had not chosen to implead the planning authorities as party respondent. Therefore, the petitioner has obtained orders by suppressing the fact. It was further argued that an appeal has now been filed with a delay, to set aside the order passed in W.P. (MD). No.20419 of 2022.

The petitioner has not obtained any orders staying the orders in above Writ Petitions. That apart, the petitioner has not made out any case as to how there is an error apparent on the face of the record, with reference to the order passed in W.P.(MD) No.18910 of 2024.

9. In fact in the very grounds that have been filed for reviewing the order, the attack is to the order passed in W.P.(MD).No.20419 of 2022. Further, any order that would be passed in the Writ Appeal would definitely have a bearing on the order passed in the Writ Petition, which is the subject matter of the review.



Rev. Aplw. (MD).No.216 of 2024

WEB COPY

10. Therefore, since no grounds for reviewing the order has been made out, the review petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

03.02.2025

Index : Yes/No
Internet : Yes/No
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P.T. ASHA, J,

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WEB COPY



Rev. Aplw. (MD).No.216 of 2024

Rev. Aplw. (MD).No.216 of 2024

03.02.2025