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WP No. 21668 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 21668 of 2015 and
REV.APLW NO. 51 OF 2015
and M.P.Nos.1 and 1 of 2015**

W.P.No.21668 of 2015

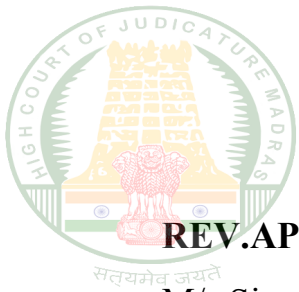
M/s.Sivananda Saraswathi
Sevashram @ Sivananda Orphanage, Rep. by its
Secretary, Padmashree Dr.S.Rajaram,
having office at No.20, Kambar Street,
East Tambaram, Chennai-600 059.

..Petitioner(s)

Vs

1. The Chairman,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
2. The Chief Executive Officer
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
3. The Senior Estate Officer
(Incharge) and competent Authority, Chennai
Metropolitan Development Authority, No.1,
Gandhi Irwin Road, Egmore, Chennai-600 008.
4. The Secretary to Government
Housing and Urban Development, Fort St.
George, Chennai-600 009.

..Respondent(s)



REV.APLW No. 51 of 2015

M/s.Sivananda Saraswathi
Sevashram & Sivananda Orphanage, Rep. by its
General Manager, Padmashree Dr.S.Rajaram,
Having Office at No.20, Kambar Street,
East Tambaram, Chennai-59.

..Petitioner (s)

Vs

1. The Chairman,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
3. The Senior Estate Officer
(incharge) and Competent Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
4. The Secretary to Government
Of Tamilnadu, Housing and Urban
Development, Fort St. George,
Chennai-600 009.

..Respondent(s)

Prayer in W.P.No.21668 of 2015:

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the respondents to handover possession of the land in Survey No.360 part of Ninnakarai Village, Kancheepuram District measuring 5.71 acres to the petitioner.

**Prayer in REV.APLW No. 51 of 2015:**

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Review Application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code to review the order dated 18.12.2014 passed in W.P.No.666 of 2011 on the file of this Court.

For Petitioner: Mr.V.Ramesh
(in both W.P. and Rev. Aplw)

For Respondent(s): Mr.Akhil Akbar Ali (R1 to R3)
Mr.C.Prabakaran, Govt. Counssel for R4
(in both W.P. and Rev. Aplw)

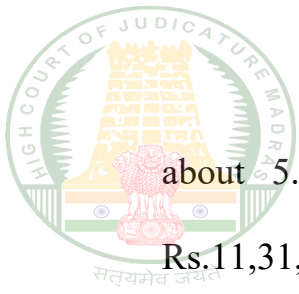
COMMON ORDER

The Writ Petition has been filed by the petitioner seeking for a direction to the respondents to handover possession of the land in Survey No.360 part of Ninnakarai Village, Kancheepuram District measuring 5.71 acres to the petitioner.

2. The Review Application has been filed seeking to review the order dated 18.12.2014 passed in W.P.No.666 of 2011 on the file of this Court.

3. The facts of the case in brief are as follows:

(i) The Petitioner is a charitable organization and it was allotted an extent of 8.94 acres of land by the 2nd respondent on 01.11.1988. Out of 8.94 acres 3.23 acres was on hire purchase which was later sold. For the lease land of

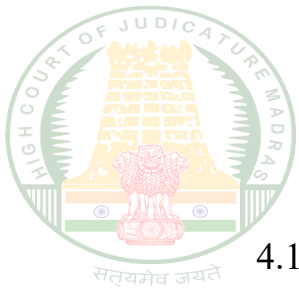


about 5.71 acres, the lease at Rs.5710/- per annum was increased to Rs.11,31,242/- per annum without notice. When it was protested, an order of eviction was passed under Public Premises Act and the said order of eviction was questioned in W.P.No.666 of 2011.

(ii) This Court vide order dated 18.12.2014 disposed of the aforesaid Writ Petition by directing the petitioner to approach the 4th respondent with particulars, within a period of four weeks from the date of receipt of a copy of the order and the 4th respondent was directed to pass orders on merits within a period of three months from the date of receipt of the representation of the petitioner. Challenging the said order, the present review application has been filed.

(iii) Pending the review application, the respondents have taken possession of the land without notice to the petitioner. Therefore, the present Writ Petition has been filed seeking for the aforesaid relief.

4. The learned counsel appearing for the petitioner would submit that the review application is filed solely on the ground that the petitioner needs positive direction to the 4th respondent to cancel the lease rent fixed by the official respondents in view of order passed by Hon'ble Apex Court in S.L.P.(C) No.14519 of 2010 dated 11.11.2014 and G.O.(Ms). No.449 dated 09.10.2014.



4.1. As far as the W.P.No.21668 of 2015 is concerned, he would submit a direction may be issued to the 2nd respondent to consider and pass orders on the representation of the petitioner dated 01.06.2015, on merits and in accordance with law, within the stipulated period, for which the learned counsel appearing for the respondents 1 to 3 has stated no objection.

5. In reply to the arguments put forth by the petitioner in the review application, the learned counsel appearing for the respondents 1 to 3 as well as the learned Government Counsel appearing for the 4th respondent would submit that the aforesaid argument was already put forth by the petitioner in the connected Writ Petition in W.P.No.666 of 2011 and only after taking note of the same, this Court vide order dated 18.12.2014, has issued a direction to approach the 4th respondent with particulars. However, inspite of complying with the order passed by this Court, the petitioner filed the aforesaid review application which is not maintainable. He therefore prays for dismissal of the review application. With respect to the aforesaid writ petition, they submitted that the 2nd respondent has no objection

5. Heard both sides. Perused the records.

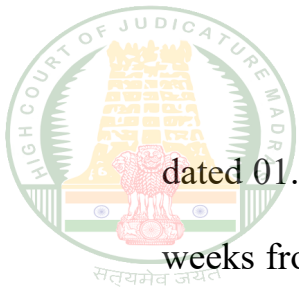


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6. A review application can only be entertained on (a) reception of new documents, (b) an "error apparent on the face of the record," and (c) in case of any clerical error. A review cannot be used as an "appeal in disguise" to reargue a case on its merits.

7. In the case on hand, this Court after considering the submissions made by the petitioner has passed the order dated 18.12.2014 and therefore it is clear that the present review application has been filed to re-agitate the issue afresh after the disposal of the writ petition. Hence, the review application is not maintainable and liable to be dismissed and accordingly dismissed. However, time limit granted by this Court in W.P.No.666 of 2011 to approach the 4th respondent is extended by four weeks. The Petitioner is directed to approach the 4th respondent with particulars, within a period of four weeks from the date of receipt of copy of this order and the 4th respondent may be directed to pass orders on merits within a period of three months from the date of receipt of the representation of the petitioner.

8. W.P.No.21668 of 2015 is disposed of with a direction to the 2nd respondent to consider and pass orders on the representation of the petitioner



dated 01.06.2015, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to submit the copy of the representation to the 2nd respondent, along with a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

10-06-2026

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To

1. The Chairman,
Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Chief Executive Officer
Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
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M.DHANDAPANI J.

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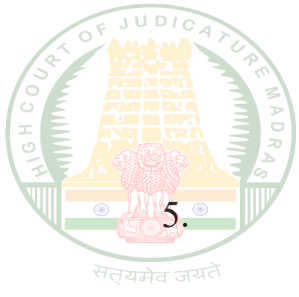
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