



Rev.Apl.W(MD)No.157 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Rev.Apl.W.(MD)No.157 of 2023

in

W.P.(MD)No.13090 of 2015

and

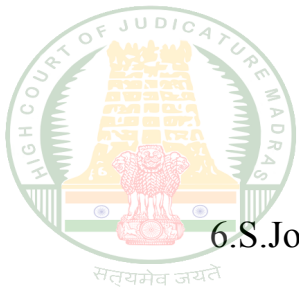
W.M.P.(MD)Nos.16633 and 16635 of 2023

C.Meenal

... Petitioner

Vs

- 1.B.Mani @ Masilamani
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Special Tashildar,
(Adhi Dravida Nalathurai),
Ramanathapuram District,
Ramanathapuram.
- 4.The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.
- 5.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.



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6.S.Joseph

... Respondents

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Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Article 226 of the Constitution of India, to review the order of this Court in W.P.(MD)No.13090 of 2015 dated 19.04.2017 on the file of this Court.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.T.Thirumurugan for R1
Mr.M.P.Senthil,
Government Advocate for R2 to R4.
Mr.V.Sathurthi Raja,
Govt. Advocate (Crl. Side) for R5.

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

One Mani, S/o.Balu filed W.P.(MD)No.13090 of 2015. The writ petitioner / Mani contended that he was granted assignment of two cents of land in S.No.264/1A-1B, Marunkoor Group (Plot No.29) vide order dated 03.01.2008. He complained that the assigned plot was never handed over to him and that was because one Joseph had already encroached on the said plot. He, therefore, moved the District Collector, Ramanathapuram, who vide proceedings dated 07.05.2013 directed the authorities to remove the encroachment. Since the proceedings of the District Collector were not implemented, the aforesaid writ petition came



to be filed. The writ petition was allowed by the Honorable Division Bench vide order dated 19.04.2017 based on the submissions made by the Special Government Pleader. Paragraph Nos.2 to 5 of the said order read as follows:-

“2.In both the Writ Petitions it is averred that the petitioners have been allotted plot Nos.29 and 30 situate in Survey No.264/1A-1B at Marunkoor Group, S.P.Pattinam Village, Thiruvadanai Taluk, Ramanathapuram District, but the fifth respondent in each petition has encroached the same. Under the said circumstances, the second respondent has passed the impugned proceedings by way of stating that in plot Nos.29 and 30 encroachments are in existence. Under the said circumstances, the present Writ Petitions have been filed.

3.The learned Special Government Pleader appearing for the respondents 1 to 4 has contended to the effect that the petitioners belong to schedule caste and for their benefit Plot No. 29 and 30 have been allotted and if there is any dispossession, the District Collector is the competent authority to take appropriate action.

4.Considering the aforesaid factual circumstances and also considering the fact that the second respondent has already passed the impugned orders, the Court can direct the third respondent as stated infra.

5.In fine, both the Writ Petitions are allowed without costs and the third respondent is directed to implement the orders passed by the second respondent after giving proper opportunity



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to the petitioners and also the the fifth respondent in each petition within a period of two months.”

2.This review application has been filed by one Meenal. According to Meenal, she had been in possession of the aforesaid assigned plot since 1994 and that she had also constructed a house. She would allege that Mani hails from some other taluk and that he had obtained a paper order in his favour by suppressing the facts. After Meenal lodged a complaint, the matter was enquired into by the jurisdictional Revenue Divisional Officer. Vide proceedings dated 13.09.2012, it was directed that the assignment of Mani should be cancelled and an assignment order should be passed in favour of Meenal. The authorities took note of the fact that Meenal was a widow with three children. Based on the said direction, the Special Tahsildar, Ramanathapuram vide order dated 29.07.2014 cancelled Mani's assignment and issued assignment in favour of Meenal.

3.These developments were not placed by the learned Special Government Pleader when the Honorable Division Bench took up W.P.(MD)No.13090 of 2015 for final hearing. We will not accuse Mani for suppression of facts because the copy of the cancellation order has



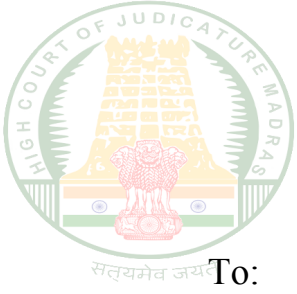
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not been marked to him. In any event, since the material facts were not placed before this court, it is obvious that the order of this Court suffers an error apparent on the face of the record. The fact that the writ petitioner's assignment had been cancelled and that the assigned plot was assigned in favour of the review applicant was not brought to the notice of this Court. On this ground, the order dated 19.04.2017 is set aside. W.P.(MD)No.13090 of 2015 is dismissed granting liberty to Mani @ Masilamani to workout his rights in the manner known to law. He may have to challenge the order cancelling his assignment and he will have to necessarily make Meenal as a party to the writ proceedings. If any such writ petition is filed by Mani @ Masilamani, it shall not be non-suited on the ground of laches.

4.This review application is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.P. J.)
09.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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