

(2010) 11 MAD CK 0073

In the Madras High Court

Case No : Review Application (MD) No. 61 of 2010

M. Marimuthu

APPELLANT

Vs

M. Baskaran and Others

RESPONDENT

Date of Decision : 16-11-2010

Acts Referred:

Citation : (2010) 11 MAD CK 0073

Hon'ble Judges : T. Raja, J;R. Banumathi, J

Bench : Division Bench

Advocate : M. Ganesan, for the Appellant; V. Rajasekaran, Spl. Govt. Pleader for Respondents 2 to 5, for the Respondent

Final Decision : Dismissed

Judgement

R. Banumathi, J.—This Review Application has been filed by the Petitioner, who was the fifth Respondent in the Writ Petition, whereby he

is seeking to review the order passed in W.P.(MD) No. 10635 of 2010 dated 17.8.2010.

2. Mr. A.V. Arun, learned Counsel takes notice for the first Respondent and Mr. V. Rajasekaran, learned Special Government Pleader takes

notice for Respondents 2 to 5.

3. The grievance of the Petitioner is that the first Respondent herein has not come to the Court with clean hands in W.P.(MD) No. 10635 of 2010

and the first Respondent has suppressed vital facts and that the place in Survey No. 4/2 was originally used as burial cum cremation ground by the

public from the time immemorial and not the place in Survey No. 4/3 as stated in his affidavit. According to the petitioner, the shifting of burial cum

cremation ground from Survey No. 4/3 to 4/8 is only on the basis of the decision

taken in the Peace Committee of the leaders of the communities

living in Dhalavaipuram, and while so, there was no public interest involved in the Writ Petition (MD) No. 10635 of 2010.

4. We have heard the learned Counsel appearing for the Petitioner and the learned Counsel appearing for the first Respondent and the learned

Special Government Pleader appearing for Respondents 2 to 5.

5. The learned Counsel for the Petitioner contended when there is suppression of material fact, it requires serious action. In support of his

contention, the learned Counsel appearing for the Petitioner placed reliance on the judgment reported in (2003) 9 Supreme Court Cases 401 Vijay

Syal and Anr. v. State of Punjab and Ors. contending that since there was suppression of material fact the Petitioner seeks for review of the order

in W.P. No. 10635 of 2010 dated 17.08.2010.

6. Earlier, the Petitioner himself has filed M.P.(MD) No. 1 of 2010 in W.P.(MD) No. 14222 of 2009 seeking for a direction to implement the

project of shifting the burial cum cremation ground to the newly assigned place at Survey No. 4/8, Chettiarpatty Kanmai. Even according to the

learned Counsel appearing for the Petitioner, the burial cum cremation ground has been shifted to 4/8 Chettiarpatty Kanmai from the existing place.

7. Now, the grievance of the Petitioner is that, originally, the place in Survey No. 4/2 was used as the burial cum cremation and not the place in

Survey No. 4/3. We do not find that as a substantial ground to review the earlier order passed in W.P.(MD) No. 10635 of 2010. In any event,

since admittedly, the burial cum cremation ground is said to have been shifted to Chettiarpatty Kanmai in Survey No. 4/8, no prejudice seems to

have caused to the Petitioner. We do not find any ground for reviewing the order passed in W.P.(MD) No. 10635 of 2010. The Review

Application fails and the same is dismissed. No costs.