

**HIGH COURT OF TRIPURA
AGARTALA**

Review Pet. No.20 of 2023

Tufani Ram Bin, son of late Sudarshan Bin, resident of Village & P.O. Nutannagar, Airport, P.S. Airport, Agartala, District- West Tripura, Pin-799009.

----Petitioner(s)

V_E_R_S_U_S

1. The State of Tripura, represented by the Commissioner & Secretary to the Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division-Sadar, District: West Tripura.
2. The Principal Secretary, Revenue Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Sadar, District: West Tripura.
3. The District Magistrate & Collector, West Tripura, Akhaura Road, P.O. Agartala, P.S. West Agartala, District: West Tripura, Pin-799001.
4. The Sub-Divisional Magistrate, Sadar, Office Lane, P.O. Agartala, P.S. West Agartala, District; West Tripura, Pin-799001.

.....Official-respondents

5. Sri Jishnu Debbarma, son of late Ramendra Kishore Debbarma, resident of Kunjaban, Airport Road, P.S. East Agartala, District: West Tripura.

-----Private-respondent(s)

For Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate, Mr. K. Chakraborty, Advocate.
For Respondent(s)	: Mr. D. Bhattacharjee, G.A. Ms. N. C. Saha, Advocate.
Whether fit for report	: YES

Order dated 19th May, 2023

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Chakraborty, learned counsel appearing for the review petitioner and

Mr. D. Bhattacharjee, learned G.A. assisted by Ms. N. C. Saha, learned counsel appearing for the respondents.

[2] This review petition is filed by the review petitioner under Order-XLVII Rule-1 read with Section-114 of the Code of Civil Procedure and Article-227 of the Constitution of India & Chapter-VIII Rule-D of the High Court of Tripura Rules, 2023, seeking review of the judgment and order dated 30.03.2023 passed by this Court in CRP. No.65 of 2022.

[3] The petitioner has prayed for the following reliefs:

- i. Issue notice, calling upon the respondents and each one of them, to show cause as to why the judgment and order (oral) dated 30.03.2023 passed in CRP.No.65 of 2022 (Annexure-1 supra) shall not be reviewed.
- ii. Issue notice, calling upon the respondents and each one of them, to show cause as to why the connected Civil Revision Petition (i.e. CRP. No.65 of 2022) is not to be declared as maintainable, and same is heard exhaustively and decided on merits.
- iii. Call for the records.
- iv. After hearing the parties, be pleased to make the rule absolute in terms of (i) & (ii) above.
- v. Costs of and incidental to this proceeding.”

[4] The brief facts of the present review petition is that the Principal Secretary, Revenue Department, Government of Tripura (respondent No.2) passed an order dated 21.05.2022, under Section-93(2)(b) of the Tripura Land Revenue & Land Reforms Act, 1960, thereby dismissing the condonation petition and consequently, the connected second appeal was also dismissed. Assailing the said order dated 21.05.2022, the petitioner presented the connected Civil Revision Petition i.e. CRP. No.65 of 2022, but vide the judgment and order dated 30.03.2022, the same was dismissed on the premises that the same was not maintainable under Article-227 of the Constitution of India.

[5] By a judgment and order dated 30.06.2017, it has already been decided by the Division Bench of this Court that the Principal Secretary, Revenue Department, Government of Tripura, passing an order, under the

Tripura Land Revenue & Land Reforms Act, 1960 is a Revenue Court, as well as a tribunal, within the meaning of Article-227 of the Constitution of India and hence, an order, passed under the said capacity is amenable to the supervisory jurisdiction of this Court under Article-227 of the Constitution of India. Hence, this petition has been presented by the petitioner seeking review of the said judgment and order dated 30.03.2022 passed in CRP. No.65 of 2022, praying for declaration to the effect that the same maintainable.

[6] Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Chakraborty, learned counsel appearing for the petitioner has submitted that pursuant to the First Appeal, marked as Revenue Case No.137 of 2012, preferred by the private respondent, before the first Appellate Authority, i.e. the District Magistrate & Collector (respondent No.3) under Section-93(1) of the TLR&LR Act, by an order dated 20.07.2021 the same was dismissed. Even though, the petitioner was a necessary and interested party, but, it is a matter of record that in the said first appeal, the petitioner was not impleaded as a party thereto.

[7] Situated thus, the petitioner was not aware of outcome of the said first appeal. The entire proceeding was initiated and culminated, behind the back of the petitioner. After coming to learn about the said order dated 20.07.2012, as passed by the first appellate authority, assailing the same, the petitioner preferred a second appeal being 6/2nd Appeal/Rev/PS/2022, under Section-93(2)(b) of the Tripura Land Revenue & Land Reforms Act, 1960 before the Secretary, Revenue Department, Government of Tripura along with the said second appeal, the petitioner had inter alia filed a condonation petition under Section-94 of the TLR&LR Act read with Section-5 of the Limitation Act.

[8] The said condonation petition was taken up for hearing by the Principal Secretary, Revenue Department, Government of Tripura, the

respondent No.2. After hearing the rival submission of both the parties, by an order dated 21.05.2022, the same was dismissed consequently, the said second appeal was also dismissed.

[9] Being seriously aggrieved by and dissatisfied with the said order dated 21.05.2022, the petitioner had presented the connected civil revision petition being CRP. No.65 of 2022 before this Court under Article-227 of the Constitution of India for invoking the Superintending Jurisdiction of this Court.

[10] In response to the same, the official respondents, as well as the private respondent had submitted separate counter affidavits inter alia challenging the contentions, made by the petitioner therein. But, nowhere in their respective counter affidavits, the respondents had taken a plea to the effect that the connected civil revision petition is purportedly not maintainable, since, the second appellate authority i.e. the Principal Secretary, Revenue Department, Government of Tripura was purportedly neither a Court, nor a Tribunal, within the meaning of Article-227 of the Constitution of India.

[11] But, when this Court had taken up the connected civil revision petition for final hearing on 30.03.2023, the learned Advocate General, representing official respondents had taken the said plea of maintainability orally for the first time, before this Court. Accepting such submission, this Court had passed the judgment and order dated 30.03.2023 thereby, dismissing the connected civil revision petition.

[12] Mr. Barman, learned senior counsel has contended that in the order it has been stated that in absence of any pleading in the counter affidavits of the respondents regarding purported non-maintainability of the connected civil revision petition, under Article-227 of the Constitution, the counsel appearing for the petitioner in CRP.No.65 of 2022 was not in a

position to address this Court regarding the actual position of law. It is stated that due to sudden raising of the relevant plea of non-maintainability by the learned AG orally for the first time, during the day of final hearing and disposal of the connected civil revision petition, the counsel appearing for the petitioner was sufficiently restrained from relying upon the settled legal principles, showing that the connected civil revision petition was wholly maintainable under Article-227 of the Constitution of India.

[13] At the outset, it is stated that the Principal Secretary, Revenue Department, Government of Tripura had not passed the said second appellate order dated 21.05.2022 in the condonation petition under the capacity of a State Government Officer. The Principal Secretary, Revenue Department, Government of Tripura had passed the said order under the capacity of Revenue Court. The Principal Secretary, Revenue Department, Government of Tripura had passed the said second appellate order dated 21.05.2022 pursuant to a second appeal, preferred by the petitioner under Section-93(2)(b) of the TLR&LR Act, 1960.

[14] Thus, it is crystal clear that the Principal Secretary, Revenue Department, Government of Tripura had not passed the said second appellate order dated 21.05.2022 in the condonation case under the capacity of a regular State Government Officer, but under the special capacity of a Revenue Court, in exercise of the powers, conferred under Section-93(2)(b) of the TLR&LR Act, 1960. In such view of the matter, it is submitted that second appellate order dated 21.05.2022 is amenable to judicial review and invocation of superintending power of this Court under Article-227 of the Constitution.

[15] Apart from the above, it is sated that the same issue is no longer *res integra*, since the same has already been decided by the Division Bench of this Court vide judgment and order dated 30.07.2017 passed in W.A. No.27 of 2015. It has been further submitted that the connected civil

revision petition filed by the petitioner under Article-227 of the Constitution assailing the second appellate order dated 21.05.2022 passed by the Principal Secretary, Revenue Department, Government of Tripura is certainly maintainable.

[16] It is seen from the record that the present civil revision petition is filed under Article 227 of the Constitution of India aggrieved by the orders passed by the Principal Secretary in the condonation petition as well as in the second appeal under the TLR & LR Act. Mr. Bhattacharjee, learned Government Advocate assisted by Ms. N.C. Saha, learned counsel appearing for the respondents has taken a preliminary objection of maintainability of the present revision petition under Article 227 of the Constitution of India against a respondent-State Government Officer who is neither a Court nor a Tribunal as defined under Article 227.

[17] On the other hand, Mr. Roy Barman, learned senior counsel appearing for the petitioner, submits before this Court that since the respondent-officer has passed the orders under the capacity of quasi-judicial officer, this revision petition under Article 227 is maintainable. For the purpose of reference, the relevant part of Article-227 may be reproduced hereunder:

[18] Article 227 is reproduced hereinbelow:

"227. Power of superintendence over all courts by the High Court.— (1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) Call for returns from such courts;

(b) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) Prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces."

[19] It is seen from the above that the quasi-judicial officer is neither a Court nor a Tribunal as contemplated under the Constitution and thus, this Court cannot exercise any supervisory jurisdiction as contemplated under Article 227 of the Constitution of India upon a State Government officer. Accordingly, the objection of maintainability of the present revision petition is upheld.

[20] At the outset, Mr. Bhattacharya, the learned G.A. for the respondents, contends that the impugned order of the learned Single Judge, which was passed under Article 227 of the Constitution, cannot be challenged by the appellant in an intra-court appeal. Elaborating his contention, the learned counsel submits that the order under challenge before the learned Single Judge was passed by a Revenue Court under Sections 95/96 of the Tripura Land Revenue and Land Reforms Act, 1960 (the Act for short) and the fact that the authority passing the order was the Principal Secretary, Revenue Department, does not detract from the fact that he was in that case assuming the power of a Revenue Court.

[21] He, therefore, submits that once a Revenue Court exercises its revisional or review power U/s 95 and 96 of the Act pass an order, it necessarily becomes and assumes the character of a Tribunal and has the trapping of a civil court so much so that its order can only be challenged under Article 227 of the Constitution and not under Article 226 of the Constitution. Nor can the power of the High Court under Article 226 and

Article 227 of the Constitution be equated. He maintains that Revenue Courts constituted under the Act such as the revisional or review authority herein passing the impugned order come within the sweep of the term tribunals referred to in Article 227 of the Constitution. He, therefore, submits that this petition is not maintainable and is liable to be dismissed at the very threshold.

[22] Before proceeding further, it will be apposite to refer to the provisions of Articles 226 and 227 of the Constitution, which read thus:

226. Power of High Courts to issue certain writs.—(1) Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3) Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without:

(a) Furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

b) Giving such party an opportunity of being heard.

makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

(4)] The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of Article 32.

227. Power of superintendence over all courts by the High Court.—(1)

Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provisions, the High Court may:

(a) Call for returns from such courts;

(b) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) Prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

[23] This then begets the second question as to whether the Principal Secretary, Revenue Department, Government of Tripura, who passed the impugned orders in his capacity as the Revisional Court under Section 95 of the Act, can be construed to be a revenue court inasmuch as it does not expressly come within the purview of Section 4 of the Act. One thing is clear that State Government or its delegate cannot ordinarily be a court. If that is so, the next question to be considered is whether it can be held to be a revenue court? If it is held that the State Government or its delegate exercising the power of revision under Section 95 of the Act cannot be held to be a revenue court, the supervisory jurisdiction of the High Court under Article 227 will not extend to the proceedings/decisions of such authority or body. However, if it is found to be a revenue court, can it be taken to be a tribunal within the sweep of Article 227? To answer this

question, it will be necessary to refer to Section 95 of the Act, which is in the following terms:

“95. State Government or the Collector may, at any time, either on his own motion or on the application of any party, call for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit:

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.”

[24] This Court has carefully perused the impugned judgment and the orders preceding the impugned judgment, gone through the records and given its thoughtful consideration to the arguments advanced by learned counsel for the parties. The only point that arises for consideration in this case is whether the review petitioner had made out a case for reviewing the judgment and order dated 30.03.2023 by satisfying the criteria for entertaining the review petition.

[25] In *Himalayan Coop. Group Housing Society v. Balwan Singh and others*, (2015) 7 SCC 373, one of the issues, which confronted a three-Judge Bench of the Apex Court was as follows:

(i) What is the jurisdiction of the Court while dealing with a petition filed under Articles 226 and 227 of the Constitution of India?

The answer is found at paras 15, 16 and 17 of the judgment, which reproduced below:

“15. The first issue need not detain us for long. It is the stand of the learned counsel for the respondents, that, since the writ petition that was filed was both under Articles 226 and 227 of the Constitution of India, the Court apart from examining the merits of the writ petition could also issue incidental and ancillary directions to do complete justice between the parties litigating before it. We do not agree. The issue in our view is no more debatable in view of the decision of this Court in *Jai Singh v. MCD2*. The Court has stated:

“15. ... we may notice certain well-recognised principles governing the exercise of jurisdiction by the High Court under Article 227 of the Constitution of India. Undoubtedly the High Court, under this article, has the jurisdiction to ensure that all subordinate courts as well as statutory or quasi-

judicial tribunals, exercise the powers vested in them, within the bounds of their authority. The High Court has the power and the jurisdiction to ensure that they act in accordance with the well-established principles of law. The High Court is vested with the powers of superintendence and/or judicial revision, even in matters where no revision or appeal lies to the High Court. The jurisdiction under this article is, in some ways, wider than the power and jurisdiction under Article 226 of the Constitution of India. It is, however, well to remember the well-known adage that greater the power, greater the care and caution in exercise thereof. The High Court is, therefore, expected to exercise such wide powers with great care, caution and circumspection. The exercise of jurisdiction must be within the well-recognised constraints.

16. The scope and extent of power of the writ court in a petition filed under Articles 226 and 227 of the Constitution came up for consideration before a three-Judge Bench of this Court in the recent case of *Radhey Shyam v. Chhabi Nath*³. This Court observed that the writ of certiorari under Article 226 though directed against the orders of an inferior court would be distinct and separate from the challenge to an order of an inferior court under Article 227 of the Constitution. The supervisory jurisdiction comes into play in the latter case and it is only when the scope and ambit of the remedy sought for does not fall in the purview of the scope of supervisory jurisdiction under Article 227, the jurisdiction of the Court under Article 226 could be invoked.

17. In the present case, what was challenged by the members of the Society was an order passed by the Registrar and the Revisional Authority under the provisions of the Act and the Rules framed thereunder. The prayer was to set aside the orders passed by the authorities below. Even if the said petition(s) were styled as a petition under Article 226, the content and the prayers thereunder being ones requiring exercise of supervisory jurisdiction only, could be treated as petitions filed under Article 227 of the Constitution only.

(Underlined for emphasis)

[26] Tribunals have primarily been constituted to deal with cases under special laws and to hence provide for specialized adjudication alongside the courts. Therefore, a particular Act/set of rules will determine whether the functions of a particular tribunal are akin to those of the courts, which provide for the basic administration of justice. Where there is a *lis* between two or more parties and a statutory authority is required to decide such dispute between them, such an authority may be called as a quasi-judicial authority i.e. a situation where, (a) a statutory authority is empowered under a statute to do any act; (b) the order of such authority would adversely affect the subject; and (c) although there is no *lis* or two contending parties, and the contest is between the authority and the subject;

and (d) the statutory authority is required to act judicially under the statute, the decision of the said authority is a quasi-judicial decision. An authority may be described as a quasi-judicial authority when it possesses certain attributes or trappings of a court, but not all. In case certain powers under C.P.C or Cr.P.C have been conferred upon an authority, but it has not been entrusted with the judicial powers of State, it cannot be held to be a court.

[27] The grounds available for filing a review application against a judgment have been set out in Order-XLVII of the CPC in the following words:

“1. Application for review of judgment - (1) Any person considering himself aggrieved -

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or Order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

[Explanation-The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.]”

[28] A glance at the aforesaid provisions makes it clear that a review application would be maintainable on discovery of new and important matters or evidence which, after exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him

when the decree was passed or the order made; on account of some mistake or error apparent on the face of the record; or for any other sufficient reason. A review is not a routine procedure. Here, this Court resolved to hear Mr. Barman, learned senior counsel at length to remove any feeling that the party has been hurt without being heard, but, cannot review the earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. A review of a judgment is a serious step and reluctant resort to it is property only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality.

[29] In Section-115 of CPC the expression "any case which has been decided" has been interpreted as under:

(1) The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears

(a) To have exercised a jurisdiction not vested in it by law, or

(b) To have failed to exercise a jurisdiction so vested, or

(c) To have acted in the exercise of its jurisdiction illegally or with material irregularity,

The High Court may make such order in the case as it thinks fit:

[Provided that the High Court shall not, under this section, vary or reverse any order made, or any order deciding an issue, in the course of a suit or other proceeding, except where the order, if it had been made in favour of the party applying for revision would have finally disposed of the suit or other proceedings.

(2) The High Court shall not, under this section, vary or reverse any decree or order against which an appeal lies either to the High Court or to any Court subordinate thereto.

(3) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court.

Explanation--In this section, the expression "any case which has been decided" includes any order made, or any order deciding an issue in the course of a suit or other proceeding.

[30] The power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practiced. Otherwise also no ground as envisaged under Order-XL of the Supreme Court Rules read with Order-47 of the Code of Civil Procedure has been pleaded in the review petition or canvassed before us during the arguments for the purposes of reviewing the judgment in *Sarla Mudgal* case. It is not the case of the review petitioners that they have discovered any new and important matter which after the exercise of due diligence was not within their knowledge or could not be brought to the notice of the Court at the time of passing of the judgment.

[31] It is essential that it should be something more than a mere error; it must be one which must be manifest on the face of the record. The real difficulty with reference to this matter, however, is not so much in the statement of the principle as in its application to the facts of a particular case. When does an error, cease to be mere error and become an error apparent on the face of the record? Learned Counsel on either side were unable to suggest any clear-cut rule by which the boundary between the two classes of errors could be demarcated.

[32] Under the garb of filing a review petition, a party cannot be permitted to repeat old and overruled arguments for reopening the conclusions arrived at in a judgment. The power of review is not to be

confused with the appellate power which enables the Superior Court to correct errors committed by a subordinate Court. This point has been elucidated in *Jain Studios Ltd. V. Shin Satellite Public Co. Ltd.*, where it was held thus:

“11. So far as the grievance of the applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.

12. When a prayer to appoint an arbitrator by the applicant herein had been made at the time when the arbitration petition was heard and was rejected, the same relief cannot be sought by an indirect method by filing a review petition. Such petition, in my opinion, is in the nature of 'second innings' which is impermissible and unwarranted and cannot be granted.”

(Emphasis added)

[33] Regarding power of superintendence over all courts by the High Court under Article-227 of the Constitution of India, the law has been explained hereunder:

(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) Call for returns from such courts;

(b) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) Prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

[34] Regarding revision of an order, the law has been explained under Section-95 and Section-96 of the TLR&LR Act, wherein it has been held thus:

“State Government or the Collector may, at any time, either on his own motion, or on the application of any party, can for the records of any proceedings before any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or the propriety of any order passed by such revenue officer, and may pass such order in reference thereto as he thinks fit.

Provided that he shall not vary or reverse any order affecting any right between private persons without having given to the parties interested notice to appear and be heard.

96. Review of orders.

(1) A revenue officer may, either on his, own motion or on the application of any party interested, review any order passed by himself or by any of his predecessors- in- office and pass such order in reference thereto as he thinks fit:

Provided that a revenue officer subordinate to the Collector shall, before reviewing any order under this section, obtain the permission of the Collector and the Collector shall, before reviewing an order passed by any of his predecessors- in- office obtain the permission of the Administrator.

(2) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings or except after notice to the other party and no application for the review of such order shall be entertained unless it is made within ninety days from the date of the order.

(3) No order shall be reviewed except on the following grounds, namely:-

- (i) Discovery of new and important matter of evidence;
- (ii) Some mistake or error apparent on the face of the record; or
- (iii) Any other sufficient reason.

(4) For the purposes of this section, the Collector shall be deemed to be the successor- in- office of any revenue officer who has left the district or who has ceased to exercise powers as a revenue officer and to whom there is no successor in the district.

(5) An order which has been dealt with in appeal or on revision shall not be reviewed by any officer subordinate to the appellate or revisional authority.”

[35] The order passed by the civil Court is only amenable to be scrutinized by the High Court in exercise of jurisdiction under Article-227 of the Constitution; no intra-Court appeal is maintainable. Jurisdiction under Article-227 of the Constitution is distinct from jurisdiction under Article-226 of the Constitution. The Hon’ble Apex Court in ***Jogendra Sinhji Vijay Singhji v. State of Gujarat and others***, reported in (2015) 9 SCC 1 has expressed its opinion as under:

“Whenever anybody or persons having legal authority to determine questions affecting the rights of subjects and having the duty to act judicially act in excess of their legal authority, they are subject to the controlling jurisdiction of the King's Bench Division exercised in these writs.” The second essential feature of a writ of ‘certiorari’ is that the control which is exercised through it over judicial or quasi-judicial tribunals or bodies is not in an appellate but supervisory capacity. In granting a writ of certiorari the superior court does not exercise the powers of an appellate tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The offending order or proceeding so to say is put out of the way as one which should not be used to the detriment of any person, vide per Lord Cairns in – ‘Walsall’s Overseers v. L. & N. W.Rly. Co[5].’

[36] The order passed by the civil court is only amenable to be scrutinized by the High Court in exercise of jurisdiction under [Article-227](#) of the Constitution of India which is different from [Article-226](#) of the Constitution and as per the pronouncement in *Radhey Shyam* (supra), no writ can be issued against the order passed by the civil court and, therefore, no letters patent appeal would be maintainable.

[37] In ***Radhey Shyam and Another v. Chhabhi Nath and Others***, reported in (2015) 55 SCC 423, wherein it has been held that *where the fact justify a party in filing an application either under [Article-226](#) or 227 of the*

Constitution, and the party chooses to file his application under both these Articles, in fairness and justice to such party and in order not to deprive him of the valuable right of appeal the Court ought to treat the application as being made under [Article-226](#). Judicial orders of the civil Court are not amenable to writ jurisdiction under Article-226 of the Constitution of India and jurisdiction under Article-227 is distinct from jurisdiction under Article-226 of the Constitution.

A discretionary remedy obtained by an application for judicial review, in which the High Court orders decision of inferior Courts, tribunals, and administrative authorities like revenue authority to be brought before it and quashes them if they are ultra vires or show an error on the face of the record. The word quasi means “as if, as it were analogous to seemingly not really. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are also intrinsic difference, between them.”

[38] An order refusing to set aside an ex-parte decree is not review of judgment within the meaning of Article-182(3) , Limitation Act (5 of 1898). The expression review of judgment in Article-179 of the Limitation Act, 1877 is not defined anywhere in that Act. That expression in the Limitation Act, is used in the same sense in which it is used in C.P. Code, 1882. It is used interchangeably with the expression “review of decree” so as to include an amendment of decree that does not necessitate any altercation in the judgment [The Law Lexicon].

[39] Let us examine the definition of different subordinate authorities for the purpose of definite conclusion of this case. What has been explained regarding the word ‘Court’:

Court: The word Court is defined to include all judges and magistrates and all persons except arbitrators legally authorised to take evidence. The expression “include” would show that the Act is not meant to be exhaustive. The Supreme Court has held that the definition is necessarily not exhaustive but is

framed only for the purpose of the Act, and as such cannot be extended where such extension is not warranted.

Scope of power under Article-227:

Powers of the high court under Article 227 are very wide enabling it to ensure that courts and tribunals inferior to it discharged their duties and obligations. It is now settled that the power of "superintendence" conferred upon the high court by Article-227 is not confined to administrative superintendence only, but includes the power of judicial revision also even where no appeal or revision lies to the high court under the ordinary law, rather power under this Article is wider than that of Article-226 in the sense that it is not subject to those technicalities of procedure or traditional fetters which are to be found in certiorari jurisdiction and can be exercised suo motu.

However, such power of superintendence does not imply that the high courts can influence the subordinate judiciary to pass any order or judgment in a particular manner. While invoking the provisions of Article-227 the High Court would exercise such powers most sparingly and only in appropriate cases in order to keep the subordinate courts within the bounds of their authority. It cannot intervene in the judicial functions of the lower judiciary. The independence of the subordinate courts in the discharge of their judicial functions is of paramount importance, just as the independence of the superior courts in the discharge of their judicial functions is. It is the members of the subordinate judiciary who directly interact with the parties in the course of proceedings of the case and, therefore, it is no less important that their independence should be protected effectively to the satisfaction of the litigants. The independence of the judiciary has been considered as a part of the basic structure of the Constitution and such independence is postulated not only from the executive, but also from all other sources of pressure.

This power involves a duty on the High Court to keep the inferior courts and tribunals "within the bounds of their authority and to see that they do what their duty requires and that they do it in a legal manner. The supervisory jurisdiction conferred on the High Court's under Article-227 of the Constitution is confined only so see whether an inferior court or tribunal has proceeded within its parameters and not to correct errors of all kinds in the decision. This does not vest the High Court with any unlimited prerogative to correct all species of hardship" or wrong decisions made by the court or tribunal within the limits of its jurisdiction. It must be restricted to cases of grave dereliction of duty and flagrant abuse of fundamental principles of law or justice, or where grave injustice would be done unless the High Court interferes. The power conferred on the high Court's under Article-227 is to advance justice and not to thwart it."

[40] The word 'Court' means a Court which has civil jurisdiction over the subject matter of the reference. To be a Court, the person or persons who constitute it, must be entrusted with judicial function i.e. of deciding litigated questions according to law. Further they must derive their powers

from the state and exercise the judicial powers of the State. If the tribunal is the result of any private arrangement for the settlement of disputes, it cannot constitute a Court

[41] Under Article-227.3.1 Tribunals: Since this word is used both in Articles 136(a) and 227(1), it should generally be understood in the same sense. Under the present Article, a liberal interpretation has been given to include all statutory authorities who are vested with quasi-judicial power, even though they may not have been labelled as "tribunals". For instance, it would include the appellate Administrative Authorities for disciplinary proceedings under Section-3 of the Punjab Aided Schools (Security of Service) Act, 1969. Though the tribunal has been constituted as a substitute for the High Court under Article-323-A, the Labour Courts and Industrial Tribunals etc., over which the High Court exercises supervisory jurisdiction, continue to function with the incongruous result that though the High Court cannot quash their judgment, it must continue to supervise their functioning. However, the superintendence is judicial and not administrative. This principle has been dealt with in a case *T.Sudhakar Prasad v. Govt. of Andhra Pradesh*, reported in (2001) 1 SCC 516, wherein the Court has held thus:

“Subordination of Tribunals and courts functioning within the territorial jurisdiction of a High Court can be either judicial or administrative or both. The power of superintendence exercised by the High Court under Article 227 of the Constitution is judicial superintendence and not administrative superintendence, such as one which vests in the High Court under Article 235 of the Constitution over subordinate courts. Vide para 96 of L. Chandra Kumars case, the Constitution Bench did not agree with the suggestion that the tribunals be made subject to the supervisory jurisdiction of the High Courts within whose territorial jurisdiction they fall, as our constitutional scheme does not require that all adjudicatory bodies which fall within the territorial jurisdiction of any High Court should be subject to its supervisory jurisdiction. Obviously, the supervisory jurisdiction referred to by the Constitution Bench in para 96 of the judgment is the supervision of the administrative functioning of the tribunals as is spelt out by discussion made in paras 96 and 97 of the judgment.”

[42] Quasi judicial functions: The word "quasi" means "not exactly". Generally, an authority is described as "quasi-judicial" when it has some of the attributes or trappings of judicial functions, but not all. In the words of the Committee on Ministers' Powers, "the word 'quasi', when prefixed to a legal term, generally means that the thing, which is described by the word, has some of the legal attributes denoted and connoted by the legal term, but that it has not all of them; e.g. if a transaction is described as quasi-contract, it means that the transaction in question has some but not all the attributes of a contract.

[43] A judicial inquiry investigates, declares and enforces liabilities as they stand in present or past facts and under laws supposed already to exist. That is its purpose and end. I am of the opinion that the words 'Judicial power' as used in Section-71 of the Constitution mean the power which every sovereign authority must of necessity have to decide controversies between its subjects, or between itself and its subjects, whether the rights relate to life, liberty or property. The exercise of this power does not begin until some tribunal which has power to give a binding and authoritative decision (whether subject to appeal or not) is called upon to take action.

[44] According to the Committee on Ministers' Powers, a pure judicial function presupposes and existing dispute between two or more parties and it involves four requisites:

1. The presentation (not necessarily oral) of their case by the parties to the dispute;
2. If the dispute is a question of fact, the ascertainment of fact by means of evidence adduced by the parties to the dispute and often with the assistance of argument by or on behalf of the parties, on evidence;
3. If the dispute between them is a question of law, the submission of legal argument by the parties; and

4. A decision which disposes of the whole matter by finding upon the facts in dispute and “an application of the law of the land to the facts so found, including, where required, a ruling upon any disputes question of law.”

[45] Thus, in a pure judicial function, the aforesaid four requisites must be present. If these requisites are present, the decision is a judicial decision even though it might have been made by any authority other than a court, e.g. by a Minister, Board, Executive Authority, Administrative Officer or Administrative Tribunal.

[46] The judicial review and administrative review distinction: There is a distinction between judicial review and administrative review. Where a statute empowering an administrative authority contains a provision of appeal, revision or review, it is statutory and can be availed of by an aggrieved party. The superior authority or the authority which had decided the matter will exercise such statutory power and grant an appropriate relief to the applicant. Judicial review, on the other hand, is neither an appeal nor a review of a decision rendered by an administrative authority. The nature and scope of judicial review of administrative action is, therefore, limited.

*Application of the Code to Revenue Courts: (1) Where any Revenue Courts are governed by the provisions of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the "[State Government] [***] may, by notification in the official Gazette, declare that any portions of those provisions which are not expressly made applicable by this Code shall not apply to those Courts, or shall only apply to them with such modifications as the "[State Government] [***] may prescribe.*

Revenue Court" in sub-section (1) means a Court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction

under this Code to try such suits or proceedings as being suits or proceedings of a civil nature.”

Thus, Revenue Court in Sub-Section (1) means a court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purpose, but does not include a civil Court having original jurisdiction under this Code to try such suits or proceedings as being suits or proceedings of civil nature. The estates abolition and conversion into ryotwari act (xxvi of 1948) is a special enactment and the disputes thereunder are adjudicated by the settlement officer and the tribunal which are not courts. Article 182 of the Limitation Act, 1963 will not therefore apply to the proceedings before the tribunal, as that provision relates to execution of a decree or order of any civil court.

It is well settled that in applying the principle of res judicata the competency of the original court or the Tribunal out of which the proceedings arose, should be considered. The fact that the matter was carried in appeal or that it was confirmed in a Writ Petition, does not render the decision valid or binding if the decision was not within the jurisdiction of the Tribunal. Even assuming that there was a decision under S.11 still, it cannot be said that there was any decision with regard to the matters falling under Section 56 of the Act. Therefore the present dispute which falls under Section-56 of the Act, cannot be said to be barred by reason of the earlier decision of the Settlement Officer or the Tribunal as confirmed by the High Court in the writ proceedings.”

[47] Thus, in view of above discussions on law, this Court is of the view that the Revenue Court is not the Court within the meaning of judicial proceeding under Article-235 of the Constitution and mere recording evidence do not constitute. The concerned authority is not under the superintendent of the High Court and he is a State Government appointee,

he is under the direct control of the State but not under the judiciary. He is acting as quasi judicial authority. Hence, quasi judicial authority cannot be said to be a Court of law under Article-227 of the Constitution of India. For the purpose of reference, Article-235 of the Constitution of India may be reproduced hereunder:

“The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorizing the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.”

[48] After discussing a series of decisions on review jurisdiction, this Court observed that review proceedings have to be strictly confined to the scope and ambit of Order-XLVII Rule-1, CPC. As long as the point sought to be raised in the review application has already been dealt with and answered, parties are not entitled to challenge the impugned judgment only because an alternative view is possible. The principles for exercising review jurisdiction were succinctly summarized in the captioned case as below:

“20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

23 (2006) 5 SCC 501 24 (2013) 8 SCC 320 Civil Appeals No. @ SLP (C) Nos.9602-03 of 2022

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" has been interpreted in Chajju Ram vs. Neki¹⁷, and approved by this Court in Moran Mar Basselios Catholicos vs. Most Rev. Mar Poulouse Athanasius & Ors. 18 to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same

principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.* & Ors.²⁵, 20.2. When the review will not be maintainable: -

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.
- (ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

[49] ***In State of West Bengal and Others v. Kamal Sengupta and Another***, this Court emphasized the requirement of the review petitioner who approaches a Court on the ground of discovery of a new matter or evidence, to demonstrate that the same was not within his knowledge and held thus:

“21. At this stage it is apposite to observe that where a review is sought on the ground of discovery of new matter or evidence, such matter or evidence must be relevant and must be of such a character that if the same had been produced, it might have altered the judgment. In other words, mere discovery of new or important matter or evidence is not sufficient ground for review *ex debito justitiae*. Not only this, the party seeking review has also to show that such additional matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the court earlier.”

[50] In *S. Nagaraj and Others v. State of Karnataka and Another*, this Court explained as to when a review jurisdiction could be treated as statutory or inherent and held thus:

“18. Justice is a virtue which transcends all barriers. Neither the rules of procedure nor technicalities of law can stand in its way. The order of the court should not be prejudicial to anyone. Rule of stare decisis is adhered for consistency but it is not as inflexible in Administrative Law as in Public Law. Even the law bends before justice. Entire concept of writ jurisdiction exercised by the higher courts is founded on equity and fairness. If the court finds that the order was passed under a mistake and it would not have exercised the jurisdiction but for the erroneous assumption which in fact did not exist and its perpetration shall result in miscarriage of justice then it cannot on any principle be precluded from rectifying the error. Mistake is accepted as valid reason to recall an order. Difference lies in the nature of mistake and scope of rectification, depending on if it is of fact or law. But the root from which the power flows is the anxiety to avoid injustice. It is either statutory or inherent. The latter is available where the mistake is of the Court”.

[51] In other words, nothing has been stated on affidavit to substantiate the plea taken by or sought to be filed by them with this review petition. Under the garb of the liberty granted to them, the respondents have tried to fill in the glaring loopholes and introduce evidence in the review proceedings that was all along in their power and possession and ought to have seen the light of the day much earlier. In fact, it appears that the Civil Revision Petitions were originally argued to the hilt on several other grounds, not limited just to the revenue record, which were all considered and turned down as meritless. Therefore, this Court has hesitation in holding that non-production of the relevant documents on the part of the respondents at the appropriate stage cannot be a ground for seeking review of the judgment and order dated 30.03.2023 particularly, when there was an opportunity to place the relevant judgment passed by the Division Bench of this Court.

[52] Mr. P. Roy Barman, learned senior counsel appearing for the petitioner at the time of argument has placed reliance on a decision of the Division Bench of this Court in W.A. No. 27 of 2015 dated 30.06.2017 filed

against the WP(C) No.394 of 2010 dated 15.06.2015 wherein the learned Single Judge dismissed the petition filed under Article-226 & 227 of the Constitution of India and further stated that the, the Hon'ble Division Bench entertained the writ appeal filed under Article-226 and 227 of the Constitution of India against the order passed by the revenue authority under the TLR&LR Act. For the purpose of reference the relevant portion of the above mentioned order may be reproduced hereunder:

“11. Having found that the Principal Secretary, as a delegate of the State government, who passed the impugned order under Section 95, was functioning as a Tribunal and is, therefore, amenable to the supervisory jurisdiction of this Court under Article 227 of the Constitution, the next question to be determined is whether the appellant has the luxury of invoking both Articles 226 and 227 at the same time to question the legality of the impugned order passed by the Principal Secretary/Revenue Department. At this stage, it will be apposite to recall that the appellant in the writ petition was seeking a writ of mandamus for setting aside the impugned order dated 11-2-2010 passed by the Principal Secretary/Revenue Department, a writ of prohibition for directing the respondents not to proceed further with the impugned judgment and a writ of certiorari to call for the record of Review Case No. 74 of 1997 passed by the District Collector, Kailasahar, and was questioning the legality of the same judgment dated 11-2-2010. The prayer in the writ petition is for setting aside the said order dated 11-2-2010. As already noticed, the jurisdiction of this Court under Article 226 comes into play in the latter case *only* when the scope and ambit of the remedy sought for does not fall in the purview of the scope of supervisory jurisdiction under Article 227; the instant case is not one in which the jurisdiction of the Court under Article 226 can be invoked. This is because a writ of certiorari under Article 226 though directed against the orders of an inferior court would be distinct and separate from the challenge to an order of an inferior court under Article 227 of the Constitution. Even if the said petition was styled as a petition under Article 226 or was treated one under both Article 226 and 227 by the learned Single Judge, the content and the prayers in the writ petition being ones requiring exercise of supervisory jurisdiction only, the same could be treated as a petition filed under Article 227 of the Constitution only. There is no such thing as treating two separate jurisdictions as one for redressing the grievance of the appellant, when the same could be dealt with under Article 227; such exercise will be a nullity (*coram non judice*). In that view of the matter, there is force in the contention of Mr. D. Bhattacharjee, the learned counsel for the respondent No. 1, that the learned Single Judge had no jurisdiction to entertain the writ petition filed by the appellant under both Articles 226 and 227 of the Constitution or under Article 226 of the Constitution. In that view of the matter, we are constrained to observe that the learned Single Judge should not have treated the writ petition filed by the appellant as one under both Articles 226 and 227 of the Constitution. The writ

petition was filed, or, at any rate, was deemed to have been one filed, under Article 227 of the Constitution, for which there can be no intra-court appeal.”

[53] In view of above requirement, the above judgment which was already available at the time of filing of the CRP under Article-227, he could have placed it during the course of argument, but it has not been placed and the order has been passed. However, the issue dealt with by the Division Bench, this Court also expressed his views that the Court is aware about the judicial discipline and requirements that the Single Judge to follow the order of the Division Bench or refer the matter to a larger Bench if not convinced. But in the present case, since the matter has already been disposed of and by way of review, the present Division Bench judgment is placed which was already available with the petitioner. In view of above and in the present circumstances, this Court has no hesitation to say that the judgment of the Division Bench cited above, is not applicable for the discussion made above. The petitioner could have filed it under Article-226 of the Constitution of India if aggrieved by the impugned order of the Revenue Authorities but not under Article-227 of the Constitution as a supervisory jurisdiction. The petitioner has not made out any case for review and there is no reason for interference.

[54] In our opinion, even otherwise, recourse to successive review petitions against the same order is impermissible more so, when the respondents have miserably failed to draw the attention of this Court to any circumstances that would entitle them to invoke review jurisdiction within the ambit of the Rules. Under the rules, the respondents were not required to produce “genuine” documents but new documents/evidence that was not within their knowledge and could not have been so even after exercise of diligence, which could have turned the tables in their favour. Nor has any error apparent on the face of the record been brought out by them.

[55] The review petition is a petition in which it is prayed before the Court of law to review its order or judgment which it has already

pronounced. The Court may accept a review petition when a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. When a review takes place, the Court will not take fresh stock of the case but just correct grave errors that have resulted in the miscarriage of justice. Also, judicial review can only correct a “patent error” and not “minor mistakes of inconsequential import. The court does not entertain every review petition filed. It exercises its discretion to allow a review petition.

[56] There is a distinction between “judicial review and “administrative review”: Where a statute empowering an administrative authority contains a provision of appeal, revision or review, it is statutory and can be availed of by an aggrieved party. The superior authority or the authority which had decided the matter will exercise such statutory power and grant an appropriate relief to the applicant. Judicial review, on the other hand, is neither an appeal nor a review of a decision rendered by an administrative authority. The nature and scope of judicial review of administrative action is, therefore, limited.

[57] The Hon’ble Apex Court laid down three grounds for seeking a review of a verdict viz. (i) *the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him* (ii) *mistake or error apparent on the face of the record* and (iii) *any sufficient reason that is analogous to the other two grounds. The grounds of review may be the discovery of new and important matter or evidence, some apparent mistake or error on the face of the record or any other sufficient reason. Given the above facts and circumstances, this Court is of the firm view that the review petition is nothing short of an abuse of the process of the court and ought to have been rejected as not maintainable, without having gone into the merits of the matter.*

[58] The collector or the Revenue Officer holding an enquiry and making award under the L.A. Act is also not a Court, TLR & LR Act is silent in regard to the statutory provision enabling the aggrieved person to prefer revision before the High Court and since the expressed provision is silent, no revision lies under Section-114 of CPC. Since the review authority is subordinate to the High Court for exercising his superintendence on the administrative side, the manner in which the judicial orders has been passed and the administration is functioning, it cannot be said to be a Court thus, Article-227 of the Constitution of India does not lie.

[59] It has been submitted that vide judgment and order dated 30.06.2017, it has already been decided by the Division Bench of this Court that the Principal Secretary Revenue Department, Government of Tripura, by passing an order under the Tripura Land Revenue & Land Reforms Act, 1960, is a Revenue Court as well as a Tribunal, within the meaning of Article-227 of the Constitution of India. It is obviously a matter of record but at the time of hearing of the petition, learned counsel appearing for the review petitioner has not brought to the notice of this Court about the above mentioned judgment and order. Had it been shown to this Court at the time of hearing, the Court must have considered the same as the decision was passed by the Division Bench of this Court but, that has not been done by the review petitioner.

[60] It is seen from the above that the quasi-judicial officer is neither a Court nor a Tribunal as contemplated under the Constitution of India and thus, this Court cannot exercise any supervisory jurisdiction as contemplated under Article-227 of the Constitution of India upon a State Government officer. In that view of the matter, the present review petition stands dismissed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE