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Rev.Appl.No.246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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M.Padmini
W/o.S.M.Murthy,
No.3, Appa Kannu Lane,
Lakshmipuram, Royapettah,
Chennai – 600 014.

Applicant (s)

Vs

1. The District Revenue Officer
Kancheepuram,
Kancheepuram District.
2. The Revenue Divisional Officer
Kancheepuram,
Kancheepuram District.
3. The Tahsildar
Pallavaram Taluk,
Kancheepuram District.
4. Rajkumar
S/o.Ulaganathan
No.43, Kalaingar Karunanidhi Street,
Anakaputtur, Chennai – 600 070.



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5. R.Mallika
W/o.V.P.R.Ramesh,
No.10, Sivaji Street,
T.Nagar, Chennai – 600 017.

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Respondent(s)

PRAYER: Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code to review the order dated 31.01.2023 passed in W.A.No.2675 of 2018 and thus render justice.

For Applicant(s): Mr.K.Elangoo

For Respondent(s): Mr.K.Kumaran
Government Pleader
for R1 to R3

Mr.C.Prakasam for R5

R4 - No Appearance

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This review application has been brought by the applicant seeking to reconsider and set aside the judgment delivered by this court on 31.01.2023 in Writ Appeal No.2675 of 2018, whereby this court had upheld the disposal of the writ petition filed by the applicant and affirmed the Revenue Authority's direction requiring



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the parties to establish their competing title claims before a competent civil court.

2. The grievance of the review applicant originates from a protracted property ownership dispute. The applicant contends that her vendor, Prakash Chand, validly acquired 9,795 sq. ft. of land in Survey No. 46/1 of Pammal Village through a sale deed in 1968, which was subsequently affirmed by a civil court compromise decree dated 25.06.1977 in O.S.No.31 of 1973. On that basis, she claims clear entitlement to revenue mutation (patta).

3. Conversely, the private respondents [Respondent Nos.4 and 5] assert title stemming from subsequent transactions originating from the original land owners, covering their respective portions of the same survey number.

4. Confronted with overlapping claims, multiple civil suits, and conflicting descriptions of the land, the District Revenue Officer set aside the revenue entries and remitted the parties to the Civil Court for an authoritative declaration of ownership. The learned Single



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Judge and the Division Bench of this Court found no legal fault in that approach.

5. Dissatisfied, the applicant now seeks a review of that judgment on the primary ground that this court failed to properly appreciate the binding nature of the 1977 compromise decree.

6. Before analyzing whether the grounds raised by the applicant fall within the ambit of the power conferred on this Court under Section 114 read with Order 47 Rule 1 of Civil Procedure Code, it is apposite to refer to the scope of review jurisdiction, as enunciated by the Apex Court in the case of *Malleeswari v. K.Suguna and another*¹, after referring to a catena of decisions, in the following terms:

*"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. **The power of review is***

¹ 2025 INSC 1080



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different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC [Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170].

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court [Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715].

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view.



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Such powers can be exercised within the limits specified in the statute governing the exercise of power [Lily Thomas v. Union of India, (2000) 6 SCC 224].

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered [Inderchand Jain v. Motilal, (2009) 14 SCC 663]. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors [Shivdev Singh v. State of Punjab, AIR (1963) SC 1909].

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power



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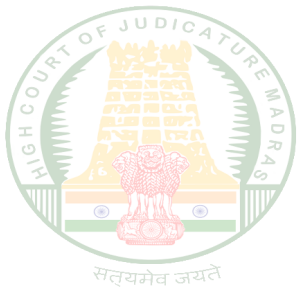


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and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 **Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record** [Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104]. Such an error is a patent error and not a mere wrong decision [T.C. Basappa v. T. Nagappa, AIR (1954) SC 440]. **An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record** [Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137].



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17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius, AIR (1954) SC 526].

18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction..."

[emphasis supplied]

7. Applying these established legal principles to the case at hand, we find that each of the grounds put forward by the applicant falls completely outside the permissible scope of a review petition.

8. Learned counsel for the applicant pleads that the court failed to appreciate how her title flowed directly from the 1977 compromise decree. However, this argument was presented at length during the hearing of the writ appeal and was expressly evaluated in the judgment dated 31.01.2023. The court consciously concluded that while the compromise decree existed, subsequent

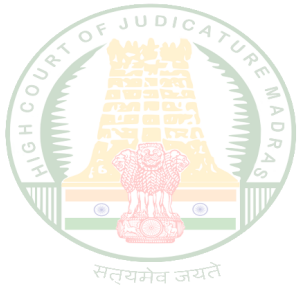


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sales by different parties, along with the dismissal of civil suits filed by the applicant's vendor, had created serious factual disputes regarding possession and actual extent on the ground. Seeking to re-examine this issue is nothing more than an attempt to re-argue the main appeal, which is strictly barred.

9. The core finding rendered in the judgment sought to be reviewed remains unassailable. Under the Tamil Nadu Patta Pass Book Act, revenue officials lack the legal authority to resolve complex, disputed questions of title. When rival parties produce conflicting deeds and assert possession over the same plot, the revenue entries must yield to an authoritative adjudication by a civil court. The direction to have the parties establish their rights in a civil forum does not warrant any interference.

10. What is sought here is a complete rehearing of the writ appeal on its merits, an approach that directly violates the mandate of Order XLVII Rule 1 CPC and the authoritatively laid down precedents of the Supreme Court.



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Finding no palpable error or justification to disturb the judgment rendered on 31.01.2023, this review application is dismissed as devoid of merit. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
20.07.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi

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