

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.04.2018

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**

Review Application No.137 of 2017

against

W.P.No.4606 of 2013

Rajammal

...Petitioner

..Vs..

- 1.The State of Tamil Nadu,
Rep.by the Secretary,
Revenue Department,
Fort.St.George,
Chennai-600 009.
- 2.The District Collector,
Salem.
- 3.The District Revenue Officer,
Salem District.
- 4.The Revenue Divisional Officer,
Salem.
- 5.The Tahsildar,
Yercaud, Salem District.
- 6.The Deputy Director,
Agricultural Department (Horticulture),
Salem.

7.The Assistant Director,
Agricultural Department (Horticulture)
Yercaud,
Salem District.

8.The Block Development Officer,
Yercaud Panchayat Union,
Yercaud,
Salem District.

..Respondents

PRAYER: Review Petition has been filed under Order 14 Rule r/w 114 of Civil Procedure Court to review the order passed in W.P.No.4606 of 2013 dated 26.04.2107.

For Petitioner : M.Kaviyarasi
For Respondents : Mr.M.Elumalai
Government Advocate

ORDER

The grounds raised in the Review Petition is that the High Court is mis-directed by the averments raised in the counter affidavit filed by the respondents in respect of the claim of the petitioner for assignment of land.

2.The petitioner claims that she made further representations in pursuance to the order made in WP.No.11307 of 2013, which was also considered and rejected by the concerned authorities. The petitioner further states that the WP.No.11307 of 2013 is filed by one Palani for

considering the representation submitted by the petitioner on 06.03.2013 and the same was disposed of by this Court on 22.04.2013. Relying on these factual details, the present Review Petition is filed. It is stated that the respondent authority has suppressed the material facts that the land in question in possession and enjoyment of R.V.Rajan, who was none other than brother to the petitioner's husband and he had been in occupation of the said portion of the land by putting up construction and by cutting the trees and by paying B Memo charges.

3. On an entire perusal of the grounds filed in support of the review petition, this Court is of an opinion that the writ petitioner has not made out any error apparent on the face of the record, so as to review the order passed by this Court on 26.04.2017. No review application shall be entertained based on the factual details, which were considered by this Court, while adjudicating the writ petition. Certain grounds raised on merits or otherwise cannot be construed as an error to review the order. It is an established principal that a review of an order can be done only in the event of an error apparent on the face of record. Certain grounds raised in the review applications may be a ground for an appeal, and such grounds cannot be considered for the

purpose of reviewing the order. Even if an erroneous order is passed based on the opinion formulated by the Courts, the said order cannot be the subject matter of review. In other words an erroneous consideration of the grounds raised cannot be a ground for filing the review petition. Thus, the scope of review is certainly limited, and on a perusal of the grounds raised in this review application, this Court is of an opinion that there is no error apparent on record is established, and therefore, no further consideration is required in respect of the order passed in WP.No.4606 of 2013. Thus, the Review Petition stands dismissed. There shall be no order as to costs.

05.04.2018

KP

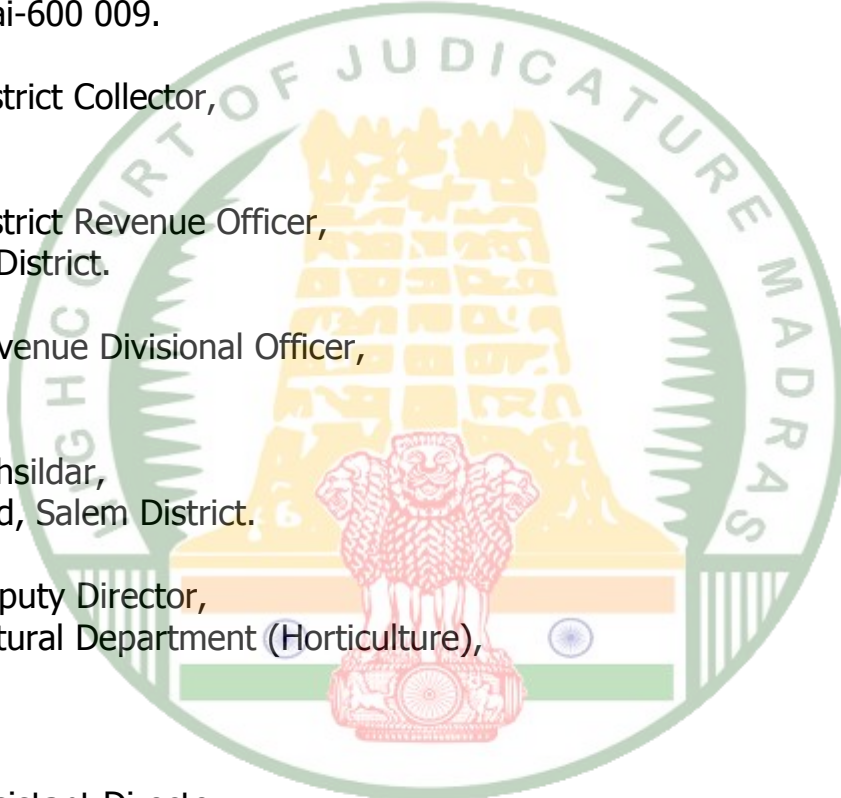
Index: Yes
Internet: Yes
Speaking Order

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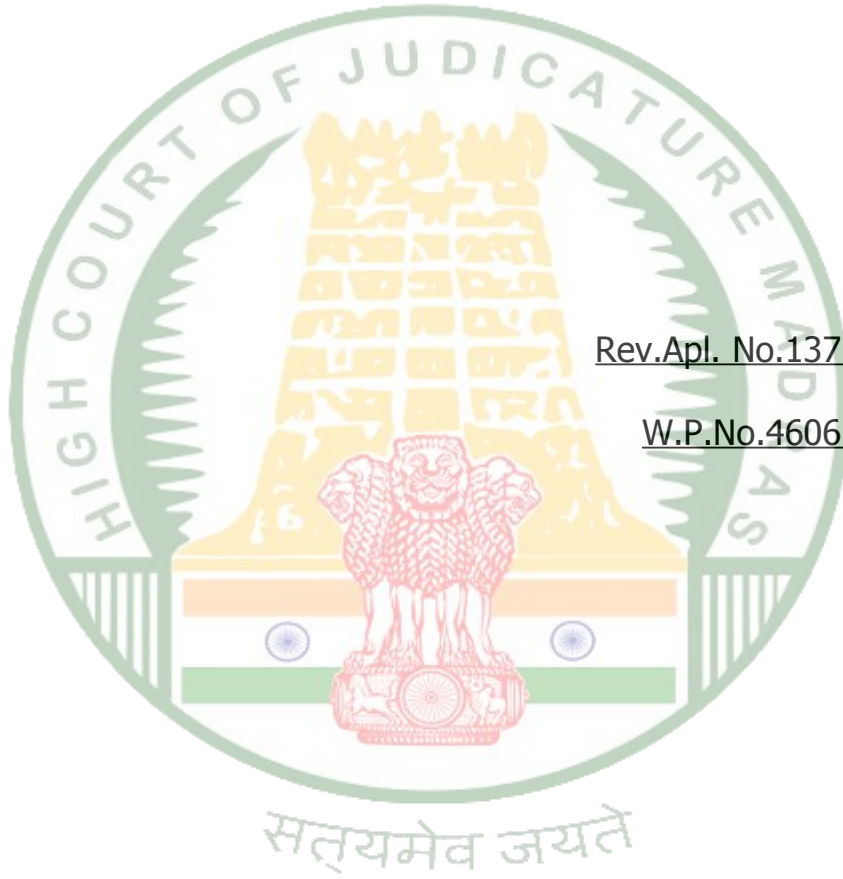
To

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S.M.SUBRAMANIAM.,J

KP



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against
W.P.No.4606 of 2013

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