

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Rev.A.No.126 of 2019
in
W.P.No.11543 of 2019

1. The Collector,
Dharmapuri, Dharmapuri District.

2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

.. Review Applicants

L.Athipathi

Vs.

.. Respondent

Review Application filed under Order 47 Rule 1 of CPC read with Section 114 CPC to review the order dated 30.04.2019 passed in W.P.No.11543 of 2019 on the file of this Court.

For Review Applicant: Mrs.Narmadha Sampath, Addl. Advocate General,
assisted by Mr.M.Elumalai, Govt. Advocate

For respondent : Mr.S.Doraisamy

ORDER

(The Order of the Court was made by R.Subbiah, J)

The issue involved in this Review Application is covered by an order of this Court, dated 19.09.2019 passed in Rev.A.No.128 of 2019, etc. batch, wherein this Court observed and held as follows:

"7. We have heard the learned Additional Advocate General appearing for the Review applicants and the learned counsel for the respective writ petitioner/ respondent and perused the materials placed on record. At the outset, we find that the argument advanced on behalf of the Review Applicants that the community certificates issued to the blood relatives of the respective writ petitioner itself are ingenuine, cannot be appreciated by this Court in the present Review Applicants. The fact remains that such certificate issued to the blood relatives of the writ petitioners has not been cancelled in a manner known to law and it was also admitted by the Review Applicant. Whether the community certificate issued in favour of the blood relatives of the writ petitioner is genuine or not, cannot be either canvassed before this Court or this Court can consider such a plea and it is for the State Level Scrutiny Committee to examine the same. Thus, the community certificates issued in favour of the blood relatives of writ petitioners have not been cancelled, was the basis for this Court to issue a direction to the Review Applicant to issue community certificates as prayed for in the writ petition. Even otherwise, to maintain these Review applicants, it must be shown that there is an error apparent on the face of the records and in the absence of the same, the Review Application, in our opinion, has been filed to re-argue and re-agitate the case which was already considered by this Court while issuing the direction to the Review Applicants. The grounds which are raised in the present Review Application have already been

raised and considered by this Court in the writ petition, while so, the Review Application cannot be entertained. In this context, useful reference can be made to the decision of the Honourable Supreme Court in the case of **Kamlesh Verma vs. Mayawati and others**, reported in (2013) 8 SCC 320 wherein the Honourable Supreme Court, after examining various judgments, has laid down the circumstances, as to when the Court can review its own judgments. The relevant portion of the judgment is extracted as under:

"12. This Court has repeatedly held in various Judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only there is an error apparent on the face of record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient....."

"19. Review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order XL VII Rule 1 of CPC. In review jurisdiction, mere disagreement with the view of the Judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned Judgment in the guise that an alternative view is possible under the review jurisdiction."

8. In the light of the above decision of the Honourable Supreme Court, we only wish to observe that if the Review Applicants are in any manner aggrieved by the order passed by this Court in the writ petitions, it is well open to them to file an appeal before the Honourable Supreme Court and this review is not maintainable. But, the present Review Applications have been filed purportedly to argue that the community certificates

issued to the blood relatives of the writ petitioners itself are not genuine and therefore, no direction could be issued to the Review Applicants to issue community certificates to the writ petitioners. Such an argument advanced on behalf of the Review Applicants cannot be countenanced and it is liable only to be rejected. However, we wish to observe that the Review Applicants shall issue provisional community certificates to the respective writ petitioner (s) and the entitlement of the writ petitioner (s) to get a permanent community certificate will depend on the outcome of the enquiry conducted by the State Level Scrutiny Committee in respect of the community certificates issued to the blood relatives of the writ petitioners. Further, if the community certificate issued to the blood relatives of the writ petitioners were found to be genuine and valid, then the writ petitioners shall also be entitled to get permanent community certificate from the Review Applicants. Therefore, while issuing provisional community certificate to the writ petitioners, the Review Applicants shall make an endorsement to the effect that such certificate issued to them is subject to the outcome of the enquiry pending before the State Level Scrutiny Committee with respect to the community certificate issued to the blood relatives of the writ petitioner.

9. With the above direction, we dispose of the Review Applications. No costs."

2. Accordingly, the present Review Application is also disposed of in the same terms as in the above extracted order of this Court, dated 19.09.2019 passed in Rev.A.No.128 of 2019, etc. batch. No costs.

(R.P.S.J) (K.R.J)
13.02.2020

Speaking Order: Yes
CS

To

1. The Collector,
Dharmapuri, Dharmapuri District.
2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.



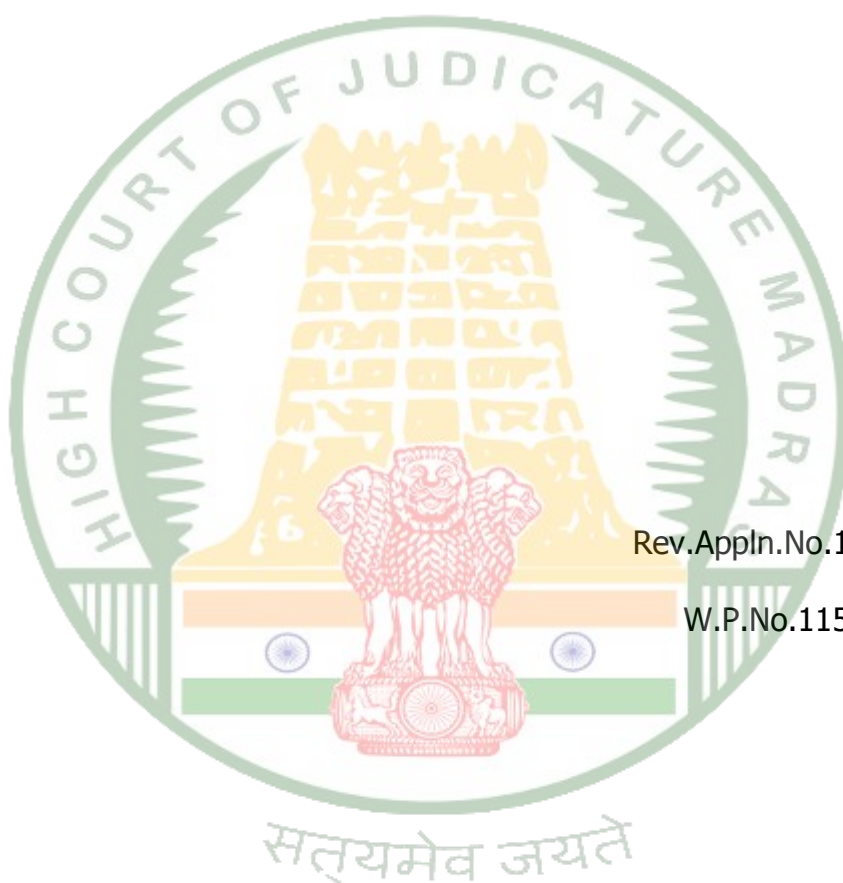
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R.SUBBIAH, J

and

KRISHNAN RAMASAMY, J

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