

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE P.SAM KOSHY

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

C.M.A.Nos.1876 & 2230 of 1999 and 233 & 234 of 2000;

C.R.P.No.300 of 2000;

REVIEW I.A.No.4 of 2021 in W.A.No.1082 of 2008;

I.A.Nos.1 & 3 of 2023 in W.A.No.1082 of 2008;

REVIEW I.A.Nos.1 & 3 of 2022 in W.P.Nos.10874 of 2009;

**REVIEW I.A.Nos.1 of 2021, 1 & 3 of 2022 in W.P.No.16349
of 2009;**

**REVIEW I.A.Nos.2 of 2021, 1, 6 & 7 of 2022 in W.P.No.408
of 2012,**

**REVIEW I.A.Nos.1 of 2022 & 1 of 2025 in W.P.No.33555 of
2014**

AND

REVIEW I.A.No.1 of 2022 in W.P.No.3159 of 2015

DATE: 06.05.2026

Between:

Mr C.H. Kondaiah Chowdary and Others.

...Appellants

AND

Samala Narasimha Reddy and Others.

...Respondents

COMMON JUDGMENT: *(per the Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr. P.Sri Raghuram, learned Senior Counsel for
appellant in W.A.No.1082 of 2008 and for the petitioners in

W.P.Nos.16349 of 2009 and I.A.No.2 of 2021 (Review Petition in W.P.No.408 of 2012); Mr. B.Mayur Reddy, learned Senior Counsel appearing for the petitioner in Review I.A.No.1 of 2021 in W.P.No.16349 of 2009; Mr. Y.Chandrasekhar, learned Senior Counsel, representing Mr. P.Raghavendra Rao, learned counsel for respondent Nos.5 to 8 in W.A.No.1082 of 2008, W.P.No.10874 of 2009, I.A.No.2 of 2021 (Review Petition in W.P.No.408 of 2012), W.P.No.33555 of 2014, W.P.No.3159 of 2015, Ms. A.Anasuya, learned counsel on record for the appellant(s) in C.M.A.Nos.1876 of 1999, 2230 of 1999, C.R.P.No.300 of 2000, W.P.No.10874 of 2009 and respondent(s) in C.M.A.Nos.233 of 2000 and 234 of 2000, W.A.No.1082 of 2008 and W.P.Nos.16349 of 2009, 408 of 2012 and 3159 of 2015 and Mr. M. Satish Kumar, learned counsel appearing on behalf of Mr. D.Krishna Reddy, learned counsel for respondent(s) in W.A.No.1082 of 2008.

2. Since the issue involved in the instant batch of cases is one and the same and the parties are also the same, they are taken up together and decided by this Common Judgment.

3. For convenience, the facts in Review I.A.No.4 of 2021 in W.A.No.1082 of 2008 are discussed hereunder.

4. Mr. Mamidi Janardhan Reddy (Review Petitioner in I.A.No.4 of 2021) is representing the interests of the Reddy family / group who claim long standing possession and personal cultivation of inam lands situated in Sy.Nos.366, 367 and 368 of Kanojiguda (hamlet of Alwal), Malkajgiri Mandal, Ranga Reddy District, Telangana. Here the respondents include the successors of the original Inamdars (respondent Nos.1 to 10) and various other parties along with revenue authorities. The Review Petition I.A.No.4 of 2021 is filed by Mr. Mamidi Janardhan Reddy seeking review of the common judgment passed by a Division Bench of this High Court on 28.09.2021, in W.A.No.1082 of 2008 and batch, on the ground that the said judgment contains certain errors of law and fact which are apparent on the face of the record.

5. The core dispute relates to entitlement of Occupancy Right Certificate (for short 'ORC') under the A.P. (Telangana) Abolition of Inams Act, 1955 (for short the 'Act of 1955') which abolished inams and provided for registration of eligible persons as occupants under

Sections 4 to 8 Act of 1955 with the crucial statutory requirement that the claimant must be in personal cultivation immediately before the relevant vesting date (emphasized throughout the proceedings as 01.11.1973). The review petitioner asserts that the revenue records beginning from the post-abolition period (including Sesala /Chesala Pahani and later pahanies) and official reports, show the names of the review petitioner's predecessors as persons in possession and actual cultivation (often referred to as entries in Column No.16), while the Inamdars' names appear only in the pattedar column. On this basis, the review petitioner contends that the statutory conditions favor the cultivators in possession, not the Inamdars.

6. The principal grievance in review is that, while rejecting certain competing claims (such as Kabiz-e-Kadim and auction purchaser groups), this Court in the impugned judgment i.e. in W.A.No.1082 of 2008 and batch, ultimately directed ORC in favor of the Inamdars / Successors of Inamdars under Section 4 without a clear and specific finding that the Inamdars were personally cultivating the land immediately before 01.11.1973. The review petitioner emphasizes that the Inamdars, in their pleadings in the

related writ petitions and affidavits, allegedly did not even plead personal cultivation as on the vesting date and in places admitted that the review petitioner's predecessor was in occupation. The review petition therefore argues that granting ORC to Inamdars based on a theory of 'deemed possession' is contrary to the express statutory language requiring personal cultivation.

7. Another major ground is that the treatment of documentary and revenue material where the review petitioner asserts that the judgment under review wrongly ignored or discounted the contemporaneous revenue records and official proceedings, which according to the review petitioner consistently show cultivation / possession of the review petitioner's family from the year 1955 onwards including the crucial date 01.11.1973 and further contain findings by revenue authorities (Tahsildar, RDO and Joint Collector at different points) regarding possession and cultivation. The review petitioner also disputes the finding that certain entries were made with retrospective effect pursuant to a Civil Court decree and administrative proceedings (Faisal Patti / F.No.B1/3857/80), contending that the civil litigation related mainly to correction in the pattedar / ownership column and not the possession /

cultivation column and that the Court's inference of retrospective or collusive manipulation is not supported by record.

8. Additionally, the review petitioner alleged that there are factual mistakes in the judgment under appeal including dates relating to O.S.No.65 of 1962 and the timing of pleadings, which, according to the review petitioner led the Court to label the decree as collusive and thereby disregard the material admissions and revenue consequences. Further it was argued that the impugned judgment granted ORC for the entire extent (Ac.39-07 guntas) in favor of certain Inamdar successors despite the contentions about limited entitlement based on shares, causing serious prejudice.

9. In W.A.No.1082 of 2008, the Division Bench hearing the said appeal held that the land was Inam (maqtha / panmaqtha) based on pre and post abolition revenue records which rejected the auction purchasers' late 'Jagir / patta land' objection as barred by their earlier submission to the Act of 1955's process and reaffirmed that entitlement turns on possession / personal cultivation as on 01.11.1973. The Reddy brothers were found to be not satisfied with the statutory requirements of *kabiz-e-kadim* and their claimed

title / possession was undermined by a collusive 1962 decree and retrospective revenue entries made in the year 1980 without proper legal basis or required sanctions under tenancy law. The auction purchasers were also held disentitled because they were not in possession on 01.11.1973, their predecessor's transfer lacked required statutory sanction / validation and the 1987 execution sale could not confer valid rights against inam lands. Consequently, the Division Bench concluded that the successors of the Inamdars alone are entitled to ORCs under Section 4 of the Act of 1955 for all three survey numbers and issued directions to grant the ORC accordingly.

10. It would relevant at this juncture to take note of the operative part of the impugned judgment passed in W.A.No.1082 of 2008 and batch, which for ready reference is reproduced hereunder, viz.,

"172. As regards the proof of possession of the successors of inamdars as on 01.11.1973 is concerned, no doubt their names are not reflected in the Pahani of 1973-74 and the names of Reddy Brothers are found therein as persons in occupation of the lands as on the said date.

173. *We have already pointed out earlier while rejecting the claim for Occupancy Right Certificate by Reddy Brothers that O.S.No.65 of 1962 before the Munisf Magistrate, Taluk West, Hyderabad West was filed by Samala Narasimha Reddy, father of Samala Bhoopal Reddy, Mamidi Raji Reddy, father of Mamidi Yadi Reddy against Khaja Mohiuddin and 21 others and they obtained a collusive decree dt.14.09.1962 by pleading only an agreement of sale dt.15.01.1960 without there being any sale deed; that such agreement of sale does not confer any interest and was also obtained without prior sanction of the Collector under Section 47 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950; and that the said suit is also hit by the bar for filing civil suits under Section 14 of the Hyderabad Record of Rights in Land Regulation 1358 Fasli.*

A Faisal Patti was got prepared in 1979-80 in F.No.B1/3857/80 recording the names of Samala Narasimha Reddy and Mamidi Raji Reddy in the records of rights with retrospective effect on the basis of the above collusive decree.

But for such dubious exercise, the names of Reddy Brothers would not have been included in the Record of Rights or in any other Revenue records including the Pahani for 1973-74 (covering the date 01.11.1973) even though they were actually not in physical possession of the property. No credence can be given to such an entry obtained by such means.

Therefore, the Pahanis must be presumed to retain the original entries showing the Inamdar's successors showing their possession prior to 1980 including as on 1.11.1973.

174. Under Section 4 of the Act, an inamdar or his successor is entitled to be registered as an occupant of the inamland which immediately before the date of vesting i.e. 01.11.1973 was under his personal cultivation.

Since Reddy Brothers' claim has been rejected by us in this order in spite of such entries in revenue records made in 1980 with retrospective effect about their possession of their lands, and admittedly there is no evidence that they were ever in physical possession prior thereto, the successors of inamdars are held as being in deemed possession of the lands in Sy.Nos.366, 367 and 368 of Kanojiguda as on 01.11.1973.

This is because the names of Samala Narasimha Reddy and Mamidi Raji Reddy, the fathers of Reddy Brothers were substituted in 1980 for the names of inamdars such as Khaja Mohiuddin and others on the basis of the collusive decree in O.S.No.65 of 1962; and if such entries are not valid, the earlier entries are deemed to continue showing the possession of the inamdars' family members in the Pahanis for 1973-74 covering the date 01.11.1973.

175. In this view of the matter, we hold that the successors of inamdars (i) Khaja Ahmeduddin, s/o.late Khaja Abdullah, (ii) Khaja Naseeruddin, s/o. Khaja Ahmeduddin, (iii) Khaja

Muneeruddin s/o. Khaja Ahmeduddin and (iv) Abdul Rehman, s/o.late Khaja Abdullah are entitled to grant of Occupancy Rights Certificates under Section 4 of the Act in respect of Ac.11.16 gts in Sy.Nos.366, Ac.16.12 gts in Sy.No.367 and Ac.11.29 gts in Sy.No.368 of Kanojiguda.

Conclusion

Having regard to the reasoning and the conclusions arrived at by us, we propose to deal with the individual cases and the applications therein as under :

I. Writ Appeal No.540 of 2007 and I.A.Nos.1 to 5 of 2009 and I.A.No.1 of 2015:

(i) This Writ Appeal was in fact dismissed at the stage of admission by a Division Bench of the Andhra Pradesh High Court on 02.07.2007 wherein the protected tenant K.Sai Reddy challenged the orders dt.09.04.2007 in Writ Petition No.7093 of 2007 of the learned single Judge who had confirmed the order dt.24.02.2007 passed by the Joint Collector, Ranga Reddy District in Case Nos.F1/1677/2004 and F1/5839/2004 and also the order dt.24.01.2004 passed by the Revenue Divisional Officer, Chevella Division, Rajendranagar Mandal, Ranga Reddy District granting Occupancy Rights Certificates to the successors of Inamdars for the land admeasuring Acs.16.12 gts. in Sy.No.367 and Acs.11.29 gts. in Sy.No.368.

The auction purchasers seek to challenge the same as they were not made parties in the Writ Appeal by filing (a) an application for leave to file Review of the order

dt.02.07.2007 in the Writ Appeal (I.A.No.1 of 2009), (b) a Review Petition to review the said order (I.A.No.2 of 2009),(c) an implead application

(I.A.No.3 of 2009), (d) a petition to dispense with filing of the certified copy of the order dt.02.07.2007 in Writ Appeal No.540 of 2007, (e) an application to condone the delay in filing the Writ Appeal (I.A.No.5 of 2009) and (f) an application to bring on record legal representatives of a deceased party.

However, the counsel for the auction purchasers Smt. Anasuya who filed these applications stated that her clients have instructed her not to pursue these applications. Therefore, all these applications are dismissed.

II. Writ Appeal No.1082 of 2008 :

This Writ Appeal is filed by the successors of Inamdars challenging the order dt.07.02.2008 passed by the learned Single Judge dismissing Review Petition No.134796 of 2007 filed by them seeking a review of the order dt.08.03.2007 in Writ Petition No.4799 of 2007 by refusing to condone the delay in filing the same.

In that Writ Petition No.4799 of 2007, the successors of Inamdars had challenged the orders dt.24.02.2007 passed by the Joint Collector, Ranga Reddy District in Case Nos.F1/1677/ 2004, F1/5839/2004 and F1/5862/2005.

Having regard to the view we have taken in this batch of matters that the successors of the inamdars are entitled to Occupancy Rights Certificate, Writ Appeal No.1082 of 2008

is allowed; order dt.07.02.2008 in Review WPMP.No.134796 of 2007 in Writ Petition No.4799 of 2007 is set aside; and the said Review

WPMP.No.134796 of 2007 is allowed; order dt.08.03.2007 in Writ Petition No.4799 of 2007 is set aside; and Writ Petition No.4799 of 2007 is allowed.

III. WRIT APPEAL (SR).No.47966 of 2010

This Writ Appeal is preferred by the auction purchasers challenging the order dt.19.03.2009 in Writ Petition No.16689 of 2008 whereunder the learned single Judge of this Court set aside, at the instance of Mamidi Yadireddy, order dt.24.02.2007 passed by the Joint Collector, Ranga Reddy District in File No.F1/1677/2004 and remanded the matter back to the said authority for fresh consideration to consider the rival claims of Sri M. Yadi Reddy and the successors of Inamdars.

I.A.No.1 of 2010 is filed for grant of leave to file the said Writ Appeal, I.A.No.2 of 2010 is filed seeking suspension of the order dt.19.03.2009 in Writ Petition No.16689 of 2008, I.A.No.3 of 2010 is filed to condone the delay in filing the said Writ Appeal, I.A.No.4 of 2010 is filed to dispense with filing of the certified copy of the order of the learned single Judge, and I.A.Nos.1 of 2015, 2 of 2015 and 3 of 2015 are filed to bring on record legal representatives of some of the parties who died.

Though the learned Single Judge in the order dt.19.03.2009 in Writ Petition No.16689 of 2008 held that the nature and

character of the land was never in issue before the Joint Collector, since we have gone into the said issue as well and held that the subject land in Sy.No.s 366,267 and 368 of Kanojiguda is Inam Land, and rejected the plea of the auction purchasers that it is Jagir land or patta land, and since the learned Single Judge only remitted the matter back to the Joint Collector for fresh consideration, we do not see any point in granting leave to the auction purchasers to challenge the order dt.19.03.2009 in Writ Petition No.16680 of 2008 or to entertain the other applications filed by the auction purchasers therein.

Therefore, all the applications filed by the auction purchasers in the said Writ Appeal are dismissed, and consequently the said Writ Appeal is also dismissed.

IV. WRIT PETITION NO.5525 OF 2007

This Writ Petition was filed by Samala Bhoopal Reddy, one of the Reddy brothers / Kabiz-e-Kadim group challenging the order dt.24.02.2007 in Case No.F1/7177/2004 passed by the Joint Collector-II, Ranga Reddy District setting aside the order dt.24.01.2004 of the Revenue Divisional Officer, Chevella Division.

Since the claim of the Reddy brothers for grant of Occupancy Right Certificate has been rejected by us in this order, this Writ Petition is dismissed and consequently I.A.No.1 of 2011 and I.A.No.1 of 2012 filed by certain parties seeking impleadment in the said Writ Petition are also dismissed.

V. WRIT PETITION NO.10127 OF 2007

This Writ Petition is filed by the auction purchasers' group challenging order dt.24.02.2007 passed in File No.F1/5862/2005 of the Joint Collector-II, Ranga Reddy District dismissing their appeal under Section 24 of the Act and holding that they are not entitled to grant of Occupancy Right Certificate.

Since we have held in this order that the auction purchasers are not entitled to grant of Occupancy Right Certificate, the said Writ Petition is dismissed along with I.A.Nos.1 of 2011, I.A.No.1 of 2015, I.A.No.2 of 2015, I.A.No.1 of 2021 and I.A.No.2 of 2021.

VI. WRIT APPEAL No.1283 of 2009 :

This Writ Appeal is filed by Mamidi Yadireddy challenging the order dt.18.09.2009 passed in Writ Petition No.19551 of 2009 by a learned single Judge of this Court.

The said Writ Petition was filed by M. Ch. Kondaiah Choudhary and 38 others against the State of Andhra Pradesh rep. by its Principal Secretary for Home, Hyderabad and 5 others complaining of refusal of the police to provide protection to them for implementation of order dt.19.07.1999 in C.M.P.No.14048 of 1999 and to direct the police to give protection to them for safeguarding the land in Sy.Nos.366, 367 and 368 of Kanojiguda Village admeasuring Acs.39.07 gts.

At the stage of admission, the said Writ Petition was disposed of on a concession by the learned Government

Pleader that they are ready to provide police protection and a direction was given to the police to provide the required protection to the petitioners.

This order of the learned Single Judge was suspended in W.A.No.1283 of 2009 filed by Mamidi Yadireddy.

Since we have held that Mamidi Yadireddy/Reddy brothers is/are not entitled to grant of Occupancy Right Certificate for the above land, the said Writ Appeal is dismissed, and the interim order granted therein is vacated. Consequently, I.A.No.2 of 2015 filed therein to bring on record legal representatives of some parties is also dismissed.

VII. Writ Petition No.10874 of 2009

This Writ Petition was filed by auction purchasers in a Court auction held in O.S.No.76 of 1971 on 19.10.1987 by the Court of the Additional Chief Judge – cum – Principal Special Judge for SPE and ACB cases, Hyderabad, i.e., auction purchasers, challenging order dt.08.08.2008 in File No.F1/2372/08 dt.08.08.2008 of the Joint Collector, Ranga Reddy District confirming the order dt.25.02.2008 of the Revenue Divisional Officer, Chevella in File No.L/3590/2006 in respect of Acs.11.06 gts. in Sy.No.366 of Kanojiguda.

Since we have rejected the claims of auction purchasers for grant of Occupancy Right Certificate in respect of land in Sy.No.366 of Kanojiguda, this Writ Petition is dismissed. Consequently, I.A.Nos.3 of 2009, I.A.No.1 of 2011, I.A.No.2 of 2011 and I.A.No.3 of 2011 are dismissed.

VIII. Writ Petition No.16349 of 2009

This Writ Petition is filed by successors of Inamdars Khaja Naseeruddin and Khaja Muneeruddin challenging the order dt.08.08.2008 in File No.F1/2372/2008 of the Joint Collector, Ranga Reddy District confirming the order dt.25.02.2008 in File No.L/3590/2006 in regard to extent of Acs.11.06 gts. in Sy.No.366 of Kanojiguda. Under the said order, the Reddy brothers were granted Occupancy Right Certificate by the Revenue Divisional Officer which was confirmed by the Joint Collector.

Since the claims of the Reddy brothers for grant of Occupancy Right Certificates in respect of Acs.11.06 gts. in Sy.No.366 of Kanojiguda has been rejected by us in this order, and we have held that the successors of Inamdars are entitled to the Occupancy Rights Certificate for this land, this Writ Petition is allowed; order dt.08.08.2008 in File No.F1/2372/2008 of the Joint Collector, Ranga Reddy District and order dt.25.02.2008 in File No.L/3590/2006 are both set aside; and it is held that the successors of Inamdars are entitled to grant of Occupancy Rights Certificate for this land. Consequently, I.A.No.3 of 2012 filed by some third- party seeking impleadment therein is dismissed.

IX. Writ Petition No.13096 of 2010

This Writ Petition is filed by the auction purchasers questioning the order dt.28.05.2010 in proceedings No.L/35/2010 of the Revenue Divisional Officer, Chevella Division granting Occupancy Right Certificate for the land in

Sy.No.367 and 368 of Kanojiguda to the successors of Inamdars without availing the remedy of Appeal under Section 24 of the Act.

Since we have held in this order that the auction purchasers are not entitled to grant of Occupancy Right Certificate in respect of these two survey numbers, this Writ Petition is dismissed. Consequently, I.A.No.1 of 2010 and I.A.No.3 of 2015 are both dismissed.

X. Writ Petition No.408 of 2012

This Writ Petition is filed by Mamidi Yadireddy challenging the order dt.14.12.2011 in Case No.F1/1718/2010 confirming the order dt.28.05.2010 in File No.L/35/2010 of the Revenue Divisional Officer, Chevella granting Occupancy Rights Certificate to the successors of Inamdars.

Since we have held that the Reddy brothers are not entitled to grant of Occupancy Rights Certificate in respect of land in Sy.No.367 and 368 of Kanojiguda, this Writ Petition is dismissed and Interlocutory Application Nos.1, 6 and 7 of 2012: 1 of 2013:1, 2 and 3 of 2014; 1, 2, 4, 5, 6, 8, 9, 11 and 13 of 2015; 1 and 2 of 2016; 1 of 2017; 1 & 2 of 2018; and 1 of 2019 filed therein are dismissed.

XI. Writ Petition No.25745 of 2012

This Writ Petition is filed by Mamidi Yadireddy seeking a direction to the official respondents for restoration of their names in Sy.Nos.367 and 368 of Kanojiguda. Since we have held that the Reddy brothers are not entitled to grant of Occupancy Rights Certificate in respect of land in Sy.No.367

and 368 of Kanojiguda, this Writ Petition is dismissed. Consequently, Interlocutory Application Nos.1 and 2 of 2012 and 1 of 2013 and 1 of 2015 are dismissed.

XII. Writ Petition No.33555 of 2014

This Writ Petition was filed by the successors of Inamdars challenging order dt.17.10.2014 of the Joint Collector, Ranga Reddy District in Case No.F1/870/2014, F1/874/2014, F1/890/2014, F1/898/2014 and F1/1797/2014 holding that the order dt.03.03.2014 of the Revenue Divisional Officer, Malkajgiri Division is premature in view of the interim order granted on 15.01.2014 in WPMP.No.519 of 2014 in Writ Petition No.408 of 2014 prohibiting passing of final orders with regard to grant of Occupancy Rights Certificate and holding that the Appeals are not maintainable.

In view of the orders now passed in these Writ Petitions, the said Writ Petition No.33555 of 2014 is disposed of directing the respondents to grant Occupancy Rights Certificate to the successors of Inamdars. Consequently, I.A.No.1 of 2014 filed therein is dismissed.

XIII. Writ Petition No.36568 of 2014

This Writ Petition is filed by the Inamdars challenging an order dt.21.01.2012 passed by the Joint Collector, Ranga Reddy District rejecting a Review Petition filed by S.Bhoopal Reddy to Review his order dt.14.12.2011 remanding the case to the Revenue Divisional Officer, Chevella.

In the order dt.21.01.2012, the Joint Collector stated that there is no need to review the matter and S. Bhoopal Reddy

can approach the Revenue Divisional Officer as the case was remanded to him.

In this Writ Petition the Inamdars contended that the Joint Collector has no power of Review under the Act.

Having regard to the fact that we have held that the successors of Inamdars are entitled to grant of Occupancy Rights Certificate, no orders are necessary in this Writ Petition and it is closed. Consequently, I.A.No.2 of 2014 therein is dismissed.

XIV. Writ Petition No.3159 of 2015

This Writ Petition was filed by S.Bhoopal Reddy challenging order dt.17.10.2014 of the Joint Collector, Ranga Reddy District in Case No.F1/870/2014, F1/874/2014, F1/890/2014, F1/898/2014 and F1/1797/2014 holding that the order dt.03.03.2014 of the Revenue Divisional Officer, Malkajgiri Division is premature in view of the interim order granted on 15.01.2014 in WPMP.No.519 of 2014 in Writ Petition No.408 of 2014 prohibiting passing of final orders with regard to grant of Occupancy Rights Certificate and holding that the Appeals are not maintainable.

This Writ Petition No.3159 of 2015 is dismissed for the reasons contained in this order. Consequently, I.A.No.1, 2 and 5 of 2015 filed therein are dismissed.

XV. Writ Appeal (SR).No.12789 of 2015

This Writ Appeal is filed by one C.V.S. Mahalakshmi claiming to be a purchaser of 250 Sq.yds. from S. Narasimha Reddy. She sought leave to file Writ Appeal against the judgment

dt.19.03.2009 in Writ Petition No.16689 of 2008. I.A.Nos.1 and 2 of 2016 are leave applications, I.A.No.3 of 2015 is a suspension petition and I.A.No.3 of 2016 is an application for condonation of delay in filing the Writ Appeal.

Since we have held that the Reddy brothers are not entitled to grant of Occupancy Rights Certificate, we do not deem it necessary to grant leave to the appellant to file this Writ Appeal.

Accordingly, I.A.Nos.1 and 2 of 2016 are dismissed. Consequently, the Writ Appeal (SR).No.127899 of 2015 and I.A.Nos.3 of 2015 and 3 of 2016 are also dismissed.

FINAL CONCLUSION

176. *In the result, we hold that the successors of inamdars are entitled to grant of Occupancy Right Certificate under Section 4 of the Act in respect of land in Sy.Nos.366, 367 and 368 of Kanojiguda, H/o. Alwal, Ranga Reddy District, and that the Reddy Brothers/ Kabiz-e- Kadim Group and the auction purchasers are not entitled to the same. A Writ of Mandamus is issued to the Revenue Divisional Officer, Chevella to grant of Occupancy Right Certificate under Section 4 of the Act in respect of the said land to successors of inamdars within four (04) weeks from the date of receipt of a copy of this order on complying with all other formalities prescribed by law."*

11. Now the question that arises for consideration is “whether the instant review petition discloses any error apparent on the face of the record, or any other ground recognized in law, warranting review of the judgment dated 28.09.2021, in W.A.No.1082 of 2008 and batch?”

12. It would be trite at this juncture to refer to a few decisions of the Hon’ble Supreme Court regarding the scope of review jurisdiction.

13. In the case of **Meera Bhanja (SMT) vs. Nirmala Kumari Choudhury (SMT)**¹ it was held as under:

"8. It is well settled that 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, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] , speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

¹ (1995) 1 Supreme Court Cases 170

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] , there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

9. *Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground. So far as that aspect is concerned, it has to be kept in view that an error apparent*

on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. We may usefully refer to the observations of this Court in the case of Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale [AIR 1960 SC 137 : (1960) 1 SCR 890] wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record:

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. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ.

15. *In our view the aforesaid approach of the Division Bench dealing with the review proceedings clearly shows that it has overstepped its jurisdiction under Order 47, Rule 1 CPC by merely styling the reasoning adopted by the earlier Division Bench as suffering from a patent error. It would not become a patent error or error apparent in view of the settled legal position indicated by us earlier. In substance, the Review Bench has reappreciated the entire evidence, sat almost as*

court of appeal and has reversed the findings reached by the earlier Division Bench. Even if the earlier Division Bench's findings regarding C.S. Plot No. 74 were found to be erroneous, it would be no ground for reviewing the same, as that would be the function of an appellate court. Learned counsel for the respondent was not in a position to point out how the reasoning adopted and conclusion reached by the Review Bench can be supported within the narrow and limited scope of Order 47, Rule 1 CPC. Right or wrong, the earlier Division Bench judgment had become final so far as the High Court was concerned. It could not have been reviewed by reconsidering the entire evidence with a view to finding out the alleged apparent error for justifying the invocation of review powers. Only on that short ground, therefore, this appeal is required to be allowed. The final decision dated 8-7-1986 of the Division Bench dismissing the appeal from Appellate Decree No. 569 of 1973 insofar as C.S. Plot No. 74 is concerned as well as the review judgment dated 5-9-1984 in connection with the very same plot, i.e., C.S. Plot No. 74, are set aside and the earlier judgment of the High Court dated 3-8-1978 allowing the second appeal regarding suit Plot No. 74 is restored. The appeal is accordingly allowed. In the facts and circumstances of the case, there will be no order as to costs."

14. In the case **of Parsion Devi and Others vs. Sumitri Devi and Others**² it was held as under:

² (1997) 8 Supreme Court Cases 715

"6. A perusal of the application filed by the judgment-debtors seeking review of the order dated 25-4-1989 shows that none of the grounds stated therein can strictly speaking be said to fall within the ambit and scope of Order 47 Rule 1 CPC. The review petition in effect challenged the correctness of the order of Gupta, J. on the question of limitation without pointing out any "error apparent on the face of the record" which could have been reviewed. Sharma, J. appears to have ignored the limits of the exercise of jurisdiction under Order 47 Rule 1 CPC while passing the impugned order and reversing the order of Gupta, J. on merits.

7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In Thungabhadra Industries Ltd. v. Govt. of A.P. [AIR 1964 SC 1372 : (1964) 5 SCR 174] (SCR at p. 186) this Court opined:

"What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an 'error apparent on the face of the record'. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an 'error apparent on the face of the record', for there is a

distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by 'error apparent'. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

(emphasis ours)

10. *Considered in the light of this settled position we find that Sharma, J. clearly overstepped the jurisdiction vested in the Court under Order 47 Rule 1 CPC. The observations of Sharma, J. that "accordingly, the order in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunctions were provided" and as such the case was covered by Article 182 and not Article 181 cannot be said to fall within the scope of Order 47 Rule 1 CPC. There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. While passing the impugned order, Sharma, J. found the order in Civil Revision dated 25-4-1989 as an erroneous decision, though without saying so in so many words. Indeed, while passing the impugned order Sharma, J. did record that there was a mistake or an error apparent on the face of the record which was not of such a nature, "which had to be detected by a long-drawn process of reasons" and proceeded to set at naught the order of Gupta, J. However, mechanical use of*

statutorily sanctified phrases cannot detract from the real import of the order passed in exercise of the review jurisdiction. Recourse to review petition in the facts and circumstances of the case was not permissible. The aggrieved judgment-debtors could have approached the higher forum through appropriate proceedings to assail the order of Gupta, J. and get it set aside but it was not open to them to seek a "review" of the order of Gupta, J. on the grounds detailed in the review petition. In this view of the matter, we are of the opinion that the impugned order of Sharma, J. cannot be sustained and we accordingly accept this appeal and set aside the impugned order dated 6-3-1997."

15. In the case of **Kerala State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and Others**³, in paragraph No.10, it was held as under:

"10. This Court has referred to several documents on record and also considered the documentary evidence brought on record. This Court on a consideration of the evidence on record concluded that the respondent had been denied power supply by the Board in appropriate time which prevented the respondent from starting the commercial production by 31-12-1996. This is a finding of fact recorded by this Court on the basis of the appreciation of evidence produced before the Court. In a review petition it is not open

³ (2005) 6 Supreme Court Cases 651

to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible. Learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. We are afraid such a submission cannot be permitted to be advanced in a review petition. The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. It has not been contended before us that there is any error apparent on the face of the record. To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise."

16. In the case of **Haridas vs. Usha Rani Banik (SMT) and Others⁴** it was held as under:

"13. In order to appreciate the scope of a review, Section 114 CPC has to be read, but this section does not even adumbrate the ambit of interference expected of the court since it merely states that it "may make such order thereon as it thinks fit". The parameters are prescribed in Order 47 CPC and for the purposes of this lis, permit the defendant to

⁴ (2006) 4 Supreme Court Cases 78

press for a rehearing "on account of some mistake or error apparent on the face of the records or for any other sufficient reason". The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/or cited binding precedents to the court and thereby enjoyed a favourable verdict. This is amply evident from the Explanation to Rule 1 of Order 47 which states that 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. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the court should exercise the power to review its order with the greatest circumspection. This Court in Thungabhadra Industries Ltd. v. Govt. of A.P. [(1964) 5 SCR 174 : AIR 1964 SC 1372] held as follows : (SCR p. 186)

"[T]here is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by 'error apparent'. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. ...where without any elaborate argument one could point to the error and say here is a substantial

point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out."

15. *A perusal of Order 47 Rule 1 shows that review of a judgment or an order could be sought : (a) from the discovery of new and important matters or evidence which after the exercise of due diligence was not within the knowledge of the applicant; (b) such important matter or evidence could not be produced by the applicant at the time when the decree was passed or order made; and (c) on account of some mistake or error apparent on the face of the record or any other sufficient reason.*

18. *It is also pertinent to mention the observations of this Court in Parsion Devi v. Sumitri Devi [(1997) 8 SCC 715] . Relying upon the judgments in Aribam [(1979) 4 SCC 389 : AIR 1979 SC 1047] and Meera Bhanja [(1995) 1 SCC 170 : AIR 1995 SC 455] it was observed as under : (SCC p. 719, para 9)*

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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'."

17. In the case of **Jain Studios Ltd. Through its President vs. Shin Satellite Public Co. Ltd.**⁵ it was held as under:

"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."

18. In the case of **Kamlesh Verma vs. Mayawati and Others**⁶ it was held 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 if there is an error

⁵ (2006) 5 Supreme Court Cases 501

⁶ (2013) 8 Supreme Court Cases 320

apparent on the face of the 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. This Court in Sow Chandra Kante v. Sk. Habib [(1975) 1 SCC 674 : 1975 SCC (Cri) 305 : 1975 SCC (L&S) 184 : 1975 SCC (Tax) 200] held as under: (SCC p. 675, para 1)

"1. Mr Daphtary, learned counsel for the petitioners, has argued at length all the points which were urged at the earlier stage when we refused special leave thus making out that a review proceeding virtually amounts to a rehearing. May be, we were not right in refusing special leave in the first round; but, once an order has been passed by this Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition, through different counsel, of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of counsel's certificate which should not be a routine affair or a habitual step. It is neither fairness to the court which decided nor awareness of the precious public time lost what with a huge backlog of dockets waiting in the queue for disposal, for counsel to issue easy certificates

for entertainment of review and fight over again the same battle which has been fought and lost. The Bench and the Bar, we are sure, are jointly concerned in the conservation of judicial time for maximum use. We regret to say that this case is typical of the unfortunate but frequent phenomenon of repeat performance with the review label as passport. Nothing which we did not hear then has been heard now, except a couple of rulings on points earlier put forward. May be, as counsel now urges and then pressed, our order refusing special leave was capable of a different course. The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality."

(emphasis in original)

13. *In a criminal proceeding, review is permissible on the ground of an error apparent on the face of the record. A review proceeding cannot be equated with the original hearing of the case. In Northern India Caterers (India) Ltd. v. Lt. Governor of Delhi [(1980) 2 SCC 167 : 1980 SCC (Tax) 222] , this Court, in paras 8 and 9 held as under: (SCC pp. 171-72)*

"8. It is well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary

to do so: Sajjan Singh v. State of Rajasthan [AIR 1965 SC 845] . For instance, if the attention of the Court is not drawn to a material statutory provision during the original hearing, the Court will review its judgment: Girdhari Lal Gupta v. D.H. Mehta [(1971) 3 SCC 189 : 1971 SCC (Cri) 279] . The Court may also reopen its judgment if a manifest wrong has been done and it is necessary to pass an order to do full and effective justice: O.N. Mohindroo v. District Judge, Delhi [(1971) 3 SCC 5] . Power to review its judgments has been conferred on the Supreme Court by Article 137 of the Constitution, and that power is subject to the provisions of any law made by Parliament or the rules made under Article 145. In a civil proceeding, an application for review is entertained only on a ground mentioned in Order 47 Rule 1 of the Code of Civil Procedure, and in a criminal proceeding on the ground of an error apparent on the face of the record (Order 40 Rule 1 of the Supreme Court Rules, 1966). But whatever the nature of the proceeding, it is beyond dispute that a review proceeding cannot be equated with the original hearing of the case, and the finality of the judgment delivered by the Court will not be reconsidered except 'where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility': Sow Chandra Kante v. Sk. Habib [(1975) 1 SCC 674 : 1975 SCC (Cri) 305 : 1975 SCC (L&S) 184 : 1975 SCC (Tax) 200] .

9. Now, besides the fact that most of the legal material so assiduously collected and placed before us by the learned Additional Solicitor General, who has now been entrusted to appear for the respondent, was never brought to our attention when the appeals were heard, we may also examine whether the judgment suffers from an error apparent on the face of the record. Such an error exists if of two or more views canvassed on the point it is possible to hold that the controversy can be said to admit of only one of them. If the view adopted by the Court in the original judgment is a possible view having regard to what the record states, it is difficult to hold that there is an error apparent on the face of the record."

14. *Review of the earlier order cannot be done unless the court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. This Court in Col. Avtar Singh Sekhon v. Union of India [1980 Supp SCC 562 : 1981 SCC (L&S) 381] held as under: (SCC p. 566, para 12)*

"12. A review is not a routine procedure. Here we resolved to hear Shri Kapil at length to remove any feeling that the party has been hurt without being heard. But we cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. In Sow Chandra Kante v. Sk. Habib [(1975) 1 SCC 674 : 1975 SCC (Cri) 305 : 1975

SCC (L&S) 184 : 1975 SCC (Tax) 200] this Court observed: (SCC p. 675, para 1)

'1. ... A review of a judgment is a serious step and reluctant resort to it is proper 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.'"

15. *An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the Court to exercise its power of review. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. This Court in Parsion Devi v. Sumitri Devi [(1997) 8 SCC 715] held as under: (SCC pp. 718-19, paras 7-9)*

"7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In Thungabhadra Industries Ltd. v. Govt. of A.P. [AIR 1964 SC 1372] this Court opined: (AIR p. 1377, para 11)

'11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an "error apparent on the face of the record". The fact that on the earlier occasion the court held on an identical state of facts that a

substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an "error apparent on the face of the record", for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by "error apparent". A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.'

8. Again, in *Meera Bhanja v. Nirmala Kumari Choudhury* [(1995) 1 SCC 170] while quoting with approval a passage from *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [(1979) 4 SCC 389] this Court once again held that 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 CPC.

9. Under Order 47 Rule 1 CPC a judgment may be open to review *inter alia* if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction

under Order 47 Rule 1 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'."

(emphasis in original)

16. *Error contemplated under the Rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. The power of review can be exercised for correction of a mistake but not to substitute a view. The mere possibility of two views on the subject is not a ground for review. This Court, in Lily Thomas v. Union of India [(2000) 6 SCC 224 : 2000 SCC (Cri) 1056] held as under: (SCC pp. 250-53, paras 54, 56 & 58)*

"54. Article 137 empowers this Court to review its judgments subject to the provisions of any law made by Parliament or any rules made under Article 145 of the Constitution. The Supreme Court Rules made in exercise of the powers under Article 145 of the Constitution prescribe that in civil cases, review lies on any of the grounds specified in Order 47 Rule 1 of the Code of Civil Procedure which provides:

'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.'

Under Order 40 Rule 1 of the Supreme Court Rules no review lies except on the ground of error apparent on the face of the record in criminal cases. Order 40 Rule 5 of the Supreme Court Rules provides that after an application for review has been disposed of no further application shall be entertained in the same matter.

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56. It follows, therefore, that 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 practised. However, this Court in exercise of its powers under Article 136 or Article 32 of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment.

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58. Otherwise also no ground as envisaged under Order 40 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 [Sarla Mudgal v. Union of India, (1995) 3 SCC 635 : 1995 SCC (Cri) 569] . It is not the case of the 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. All pleas raised before us were in fact addressed for and on behalf of the petitioners before

the Bench which, after considering those pleas, passed the judgment in Sarla Mudgal case [Sarla Mudgal v. Union of India, (1995) 3 SCC 635 : 1995 SCC (Cri) 569] . We have also not found any mistake or error apparent on the face of the record requiring a review. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. No such error has been pointed out by the learned counsel appearing for the parties seeking review of the judgment. The only arguments advanced were that the judgment interpreting Section 494 amounted to violation of some of the fundamental rights. No other sufficient cause has been shown for reviewing the judgment. The words 'any other sufficient reason appearing in Order 47 Rule 1 CPC' must mean 'a reason sufficient on grounds at least analogous to those specified in the rule' as was held in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poullose Athanasius [AIR 1954 SC 526 : (1955) 1 SCR 520] . Error apparent on the face of the proceedings is an error which is based on clear ignorance or disregard of the provisions of law. In T.C. Basappa v. T. Nagappa [AIR 1954 SC 440] , this Court held that such error is an error which is a patent error and not a mere wrong decision. In Hari Vishnu Kamath v. Ahmad Ishaque [AIR 1955 SC 233] , it was held: (AIR p. 244, para 23)

'23. ... [I]t 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? The 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.

Mr Pathak for the first respondent contended on the strength of certain observations of Chagla, C.J. in—Batuk K. Vyas v. Surat Borough Municipality [ILR 1953 Bom 191 : AIR 1953 Bom 133] , that no error could be said to be apparent on the face of the record if it was not self-evident and if it required an examination or argument to establish it. This test might afford a satisfactory basis for decision in the majority of cases. But there must be cases in which even this test might break down, because judicial opinions also differ, and an error that might be considered by one Judge as self-evident might not be so considered by another. The fact is that what is an error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of indefiniteness inherent in its very nature, and it must be left to be determined judicially on the facts of each case.'

Therefore, it can safely be held that the petitioners have not made out any case within the meaning of Article 137 read with Order 40 of the Supreme Court Rules and Order 47 Rule 1 CPC for reviewing the judgment in Sarla Mudgal case [Sarla Mudgal v. Union of India, (1995) 3 SCC 635 : 1995 SCC (Cri) 569] . The petition is misconceived and bereft of any substance.”

17. *In a review petition, it is not open to the Court to reappreciate the evidence and reach a different conclusion, even if that is possible. Conclusion arrived at on appreciation of evidence cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or for some reason akin thereto. This Court in Kerala SEB v. Hitech Electrothermics & Hydropower Ltd. [(2005) 6 SCC 651] held as under: (SCC p. 656, para 10)*

“10. ... In a review petition it is not open to this Court to reappreciate the evidence and reach a different conclusion, even if that is possible. The learned counsel for the Board at best sought to impress us that the correspondence exchanged between the parties did not support the conclusion reached by this Court. We are afraid such a submission cannot be permitted to be advanced in a review petition. The appreciation of evidence on record is fully within the domain of the appellate court. If on appreciation of the evidence produced, the court records a finding of fact and reaches a conclusion, that conclusion cannot be assailed in a review petition unless it is shown that there is an error apparent on the face of the record or

for some reason akin thereto. It has not been contended before us that there is any error apparent on the face of the record. To permit the review petitioner to argue on a question of appreciation of evidence would amount to converting a review petition into an appeal in disguise."

18. *Review is not rehearing of an original matter. The power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. A repetition of old and overruled argument is not enough to reopen concluded adjudications. This Court in Jain Studios Ltd. v. Shin Satellite Public Co. Ltd. [(2006) 5 SCC 501] , held as under: (SCC pp. 504-505, paras 11-12)*

"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 negatived. 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."

19. In the case of **S.Madhusudhan Reddy; S. Narasimha Reddy vs. V. Narayana Reddy and Others**⁷ it was held as under:

"12. 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

⁷ 2022 LawSuit(SC) 971

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.

1[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.] "

14. In Col. Avatar Singh Sekhon v. Union of India and Others¹⁰ , this Court observed that a review of an earlier order cannot be done unless the court is satisfied that the material error which is manifest on the face of the order, would result in miscarriage of justice or undermine its soundness. The observations made are as under:

"12. A review is not a routine procedure. Here we resolved to hear Shri Kapil at length to remove any feeling that the party has been hurt without being

heard. But we cannot review our earlier order unless satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. In Sow Chandra Kante and Another v. Sheikh Habib¹¹ this Court observed :

'A review of a judgment is a serious step and reluctant resort to it is proper 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.' "

(emphasis added)

15. In Parsion Devi and Others v. Sumitri Devi and Others, stating that an error that is not self- evident and the one that has to be detected by the process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise the powers of review, this Court held as under:

"7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In Thungabhadra Industries Ltd. v. Govt. of A.P. this Court opined:

'11. What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve

any substantial question of law is an 'error apparent on the face of the record'. The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an 'error apparent on the face of the record', for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterized as vitiated by 'error apparent'. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error.'

8. Again, in *Meera Bhanja v. Nirmala Kumari Choudhury*¹⁴ while quoting with approval a passage from *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*¹⁵ this Court once again held that 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 CPC.

9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of

the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of this jurisdiction under Order 47 rule 1 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'".

[emphasis added]

18. 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:

"22. The term 'mistake or error apparent' by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22(3) (f) of the Act. **To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on**

the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision”.

(emphasis added)

20. In the case of **Perry Kansagra vs. Smriti Madan Kansagra**⁸ it was held as under:

“15.1. In Inderchand Jain [Inderchand Jain v. Motilal, (2009) 14 SCC 663 : (2009) 5 SCC (Civ) 461] it was observed in paras 10, 11 and 33 as under: (SCC pp. 669 & 675)

“10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v. Union of India [Lily Thomas v. Union of India, (2000) 6 SCC 224 : 2000 SCC (Cri) 1056] this Court held: (SCC p. 251, para 56)

‘56. It follows, therefore, that the power of review can be exercised for correction of a

⁸ (2019) 20 Supreme Court Cases 753

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.'

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33. *The High Court had rightly noticed the review jurisdiction of the court, which is as under:*

'The law on the subject—exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.'

In our opinion, the principles of law enumerated by it, in the facts of this case, have wrongly been applied."

21. In the case of **Shanti Conductors Private Limited vs. Assam State Electricity Board and Others**⁹ it was held as under:

"25. Insofar as the other submissions of Dr Singhvi that the 1993 Act is retroactive in nature and further amount due at the time of the commencement of the Act ought to attract interest of the 1993 Act, all these submissions have been elaborately considered in the judgment dated 23-1-2019 [Shanti Conductors (P) Ltd. v. Assam SEB, (2019) 19 SCC 529 : 2019 SCC OnLine SC 68] , which have been considered on merits. The scope of review is limited and under the guise of review, the petitioner cannot be permitted to reargue and reargue the questions, which have already been addressed and decided. The scope of review has been reiterated by this Court from time to time. It is sufficient to

⁹ (2020) 2 Supreme Court Cases 677

refer to the judgment of this Court in Parsion Devi v. Sumitri Devi [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715] , wherein in para 9 the following has been laid down : (SCC p. 719)

"9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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"."

22. Recently, in the case of **Sanjay Kumar Agarwal vs. State Tax Officer**¹⁰ held that:

*"10. It is also well settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so."*³

¹⁰ 2023 SCC OnLine SC 1406

11. In *Parsion Devi v. Sumitri Devi*⁴, this Court made very pivotal observations:—

"9. Under Order 47 Rule 1 CPC a judgment may be open to review *inter alia* if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 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."

12. Again, in *Shanti Conductors Private Limited v. Assam State Electricity Board*⁵, a three Judge Bench of this Court following *Parsion Devi v. Sumitri Devi* (*supra*) dismissed the review petitions holding that the scope of review is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

13. Recently, in *Shri Ram Sahu (Dead) Through Legal Representatives v. Vinod Kumar Rawat*⁶, this Court restated the law with regard to the scope of review under Section 114 read with Order XLVII of CPC.

14. In ***R.P. (C) Nos. 1273-1274 of 2021 in Civil Appeal Nos. 8345-8346 of 2018*** (*Arun Dev Upadhyaya v.*

Integrated Sales Service Limited), this Court reiterated the law and held that:—

"15. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order XLVII Rule 1 CPC. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions."

15. *It is very pertinent to note that recently the Constitution Bench in Beghar Foundation v. Justice K.S. Puttaswamy (Retired)², held that even the change in law or subsequent decision/judgment of co-ordinate Bench or larger Bench by itself cannot be regarded as a ground for review.*

16. *The gist of the afore-stated decisions is that:—*

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected."

(v) A Review Petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.

xxxx

27. *In view of the above stated position, we are of the opinion that the well-considered judgment sought to be reviewed does not fall within the scope and ambit of Review. The learned Counsels for the Review Petitioners have failed to make out any mistake or error apparent on the face of record in the impugned judgment, and have failed to bring the case within the parameters laid down by this Court in various decision for reviewing the impugned judgment. Since we are not inclined to entertain these Review Petitions, we do not propose to deal with the other submissions made by the learned Counsels for the parties on merits."*

23. Recently, the Hon'ble Supreme Court in the case of **Malleeswari vs. K. Suguna and Another**¹¹ held at paragraph No.15 as under:

"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 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.*

***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.*

¹¹ 2025 INSC 1080

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.*

15.4 *The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.*

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. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors."*

24. Review is not an appeal in disguise. It is not rehearing on merits, nor an appellate forum. It is a limited jurisdiction to correct an error. A review lies only to correct a patent and self-evident error apparent on the face of the record, such as an obvious clerical, typographical or arithmetical mistakes or to consider

material which despite due diligence, could not be produced earlier or for any analogous reason of the same genus. A ground which requires re-argument, reassessment of evidence or a fresh adjudication of contested facts travels beyond the permissible limits of review. The grounds urged in the present review petition do not point to any such manifest error. What is projected as 'error' is, in substance, a challenge to the findings and conclusions rendered in the writ appeal, particularly on possession and personal cultivation as on 01.11.1973, the probative value of revenue entries and the effect of the civil decree and subsequent revenue proceedings. These matters were directly in issue in the writ appeal and were adjudicated after due consideration. A review cannot be maintained to secure a second opinion on the same record merely because the petitioner is dissatisfied with the outcome. Therefore, the Review Petition seeks an impermissible re-appreciation of evidence and a re-evaluation of factual inferences.

25. Even assuming that another view is possible, an arguable error or a debatable conclusion is not an 'error apparent' for the purpose of review. Where the alleged mistake is not self-evident and can be established only by a long-drawn process of reasoning

the remedy is not review. Entertaining such a plea would defeat the principle of finality of adjudication and convert review proceedings into a disguised appeal. Further, the writ appeal judgment having been rendered on merits, the proper course for an aggrieved party is to seek appellate scrutiny before the Hon'ble Supreme Court.

26. It is also brought to notice of the Court that certain aggrieved parties have already approached the Hon'ble Supreme Court by way of Special Leave Petition and the same is stated to be pending. It is also noted that some parties initially filed review petitions but later withdrew them and approached the Hon'ble Supreme Court by filing Special Leave Petitions, while others directly approached the Hon'ble Supreme Court. In such circumstances, it would be wholly inappropriate to reopen concluded issues in review and run the risk of parallel adjudication on the same subject matter.

27. In the absence of any patent clerical or typographical mistake or any other error apparent on the face of the record and as the petition substantially invites this Bench to revisit the merits already concluded in the writ appeal, no case is made out for exercise of review jurisdiction.

28. The Review I.A.No.4 of 2021 in W.A.No.1082 of 2008 is accordingly dismissed. I.A.No.1 of 2023 in W.A.No.1082 of 2008 which is an application filed to recall the impugned common judgment dated 29.09.2021 in W.A.No.1082 of 2008 and batch also stands dismissed. So far as I.A.No.3 of 2023 in W.A.No.1082 of 2008 which is an application filed to implead respondent Nos.28 to 39 in writ appeal as well as in the interlocutory applications is concerned, since the hearing was only on the Review Petition i.e. I.A.No.4 of 2021 getting dismissed, this implead application cannot be considered in a Review Petition, hence it deserves to be and is accordingly dismissed.

29. As a consequence of lead case i.e. Review I.A.No.4 of 2021 in W.A.No.1082 of 2008 getting dismissed; the review petitions filed in other cases i.e. Review I.A.Nos.1 & 3 of 2022 in W.P.Nos.10874 of 2009, Review I.A.Nos.1 of 2021, 1 & 3 of 2022 in W.P.No.16349 of 2009, Review I.A.Nos.2 of 2021, 1, 6 & 7 of 2022 in W.P.No.408 of 2009, Review I.A.Nos.1 of 2022 & 1 of 2025 in W.P.No.33555 of 2012, Review I.A.No.1 of 2022 in W.P.No.3159 of 2015 where the facts are similar to W.A.No.1082 of 2008 also stands dismissed.

30. Coming to C.M.A.Nos.1876 & 2230 of 1999 and 233 & 234 of 2000 and C.R.P.No.300 of 2000 are concerned; these cases will have to be taken up for hearing and disposed separately in terms of the observations made in paragraph No.51 of impugned common judgment dated 29.09.2021 in W.A.No.1082 of 2008 and batch.

31. As a sequel, miscellaneous petitions pending if any, shall stand closed. However, there shall be no order as to costs.

P.SAM KOSHY, J

NAMAVARAPU RAJESHWAR RAO, J

Date: 06.05.2026
GSD