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Review Application No. 218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Review Application No. 218 of 2023

1. Mrs. Senthilvadivu
 2. Mrs. Radha
- ..Petitioners

Vs.

1. Sri Palamalai Ranganathaswamy
Temple, rep. by its Fit Person,
Sri Karana Vinayakar Temple,
Matyhampalayam,
Coimbatore Taluk.
2. The Asst. Settlement Officer,
Office of the Commissioner and
Director of Survey and
Settlement,
Chepauk, Chennai – 600 005.
3. The Revenue Divisional Officer,
Coimbatore.
4. The Asst. Commissioner,
Hindu Religious and Charitable
Endowment,
Administration Department,



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Coimbatore – 18.

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5. Mrs. Bhoopathi

..Respondents

Prayer: Review Application to review the common order dated 19.10.2023 in STA No. 2/2018 and CRP 164/2019.

For Petitioners	::	Mr.Om Prakash, Senior Counsel for M/s.K.K. Sivasshanmugam K.S. Sri Giri Prasath Umayal Muthaiah SSP Law Associates
For Respondents	::	Mr.A. Selvendran, Special Government Pleader for R2 & R3 Mr.N.R.R. Arun Natarajan Special Government Pleader (HR &CE) for R1 & R4

O R D E R

(Made by *S. Vaidyanathan,J.*)

The review application is filed to review the order dated 19.10.2023 passed in STA No. 2 of 2018 and CRP No. 164/2019.

2. The foremost plea, amongst other grounds, taken by the learned Senior Counsel for the Review Applicants is that no copy of the award was served on the Review Applicants and that they are unaware of the patta



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issued in favour of the Temple.

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3. The aforesaid contention of the Review Applicants, besides being far from imagination, cannot be accepted for the reason that the father of the first respondent and his cousin brother had represented the Temple at the time of issuance of patta in favour of the Temple. Further, there was no delay noticed in serving the award on the parties, which has been duly observed in Paragraph Nos.13 & 14 of the judgment under review. The arguments advanced on the side of the review applicants will clearly indicate that the main writ appeal is sought to be reargued instead of pointing out any error apparent on the face of the record.

4. The Hon'ble Supreme Court in a recent decision reported in ***2023 SCC Online SC 1406 Review Petition(Civil)No.1620 of 2023 in Civil Appeal No.1661 of 2020 (Sanjay Kumar Agarwal Vs. State Tax Officer and another)*** in paragraph No.16 has laid down the law relating to the entertainment of review application which is extracted as follows:

“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.



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(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.”

5. Furthermore, in ***R.Mohala Vs. M.Siva and others*** in ***Review Petition No.61 of 2018 and WMP.No.10818 and 10819 of 2018*** decided on ***25.04.2018***, one of us (SVNJ) elaborately discussed the scope of review



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and in Paragraph Nos.7 and 8, held as follows:

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“7.The basic principle to entertain the review under Order 47 Rule 1 C.P.C. is to correct the errors but not to substitute a view. The judgment under review cannot be reversed (or) altered taking away the rights declared and conferred by the Court under the said judgment; once a judgment is rendered, the Court becomes functus officio and it cannot set aside its judgment or the decree; no inherent powers of review were conferred on the Court; the review Court cannot look into the trial Court judgment; it can look into its own judgment for limited purpose to correct any error or mistake in the judgment pointed out by the review petitioner without altering or substituting its view in the judgment under review; the review court cannot entertain the arguments touching the merits and demerits of the case and cannot take a different view disturbing the finality of the judgment; the review cannot be treated as appeal in disguise, as the object behind review is ultimately to see that there should not be miscarriage of justice and shall do justice for the sake of justice only and review on the ground that the judgment is erroneous cannot be sustained.

8. It is settled law that even an erroneous decision cannot be a ground for the Court to undertake review, as the first and foremost requirement of entertaining a review petition is that the order under review of which is sought, suffers from any error apparent on the face of the order and in absence of any such error, finality attached to the judgment/order cannot be disturbed.”

6. Hence, for the reasons aforesaid, the review application stands dismissed. No costs.

(S.V.N.J.) (K.R.S.J.)



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