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Rev.Appl.No.84 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Review Application No.84 of 2024
and C.M.P.No.8889 of 2024

1.Vasantha
2.Nandakumar
3.Vanitha
4.Sedhuraman

... Petitioners

-Vs-

1.Ahale Sunnathwal Jamath Jogi Madam
Majid and Durga, Gudiyattam
represented by its duly appointed
Muthavalli, S.A.Rahim, Tomb Wakf
Gudiyattam Town, Vellore District.

Haji Syed Irfan Hussain Sahib (Died)

2.Haji Syed Mohammed Hussain Sahib

3.Haji Syed Ghalib Hussain Sahib

4.Haji Syed Subarul Gani

5.Haji Syed Sahid Ahmed

6.Haji Syed Khallid Ahmed

7.S.N.Rafeeq

Selvam (Died)

8.The Tamil Nadu Wakf Board
Represented by its Chief Executive Officer
No.1, Jaffar Syrang Street
Vallal Seethakathi Nagar
(Custom House Backside), Chennai 600 001.



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9.The State of Tamil Nadu
Represented by its District Collector
Vellore District, Vellore.

10.The Thasildar, Gudiyattam
Taluk Office, Gudiyattam
Tamil Nadu 632 602.

11.The Commissioner
Gudiyattam Municipality
Gudiyattam, Tamil Nadu - 632 602.

12.The Superintendent of Police
Vellore District Vellore-9.

13.The Inspector of Police
Town Police Station, Gudiyattam.

14.Sharbunnisa

15.Syed Nowman

16.Shaheeda Begam

17.Sameena

19.K.V.S.Dinakaravasan ... Respondents

Prayer : Review Application under Order XLVII Rule 1 and 2 and Section 114 of Code of Civil Procedure to review the order made in CRP.NPD No.964 of 2016 allowing the said revision petition vide order dated 14.12.2023.

For Petitioner : Mr.Mohanraj
for Mr.Marudhachalam

ORDER

Learned counsel for the petitioners seeks to review the order of this Court dated 14.12.2023 on the ground that this Court has not considered the scope of the Gazette Notification issued under Section 5 of the Waqf Act, 1954 and the fact that the property has not been shown as Wakf property in the Gazette Notification.



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2. A perusal of the order under review shows that I have considered this very issue in Paragraph 44 and 45. Apart from that, the petitioners are not the purchasers of the property claiming independent right, but they are only claiming right through the Muthavallis who were managing the institution. The Muthavallis were put on notice and it was thereafter that the publication has been issued by the State of Tamil Nadu. The argument that the impugned order is wrong is not a ground for review. There must be an error apparent on the face of the record or I must have failed to consider the material issue.

3. As stated above, this very issue raised in the review has been discussed by me from Paragraphs 39 to 45 of the order under review. Unless and until there is an error apparent on the face of the record, I am afraid I do not possess the jurisdiction to review my order. In any event, a review is not an appeal in disguise. In fact, the argument of the review petitioners is not one in disguise, but in my opinion it is an attempt to convert this review into an appeal from my order to myself. Such course of action not being open under Order XLVII Rule 1 of C.P.C. No other point being argued before me, I am constrained to dismiss this review application. Accordingly, the Review Application is dismissed.

24.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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V. LAKSHMINARAYANAN, J.

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