



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MR. **JUSTICE S.S.SUNDAR**

Review Application (MD) No.64 of 2020

The Special Tahsildar,
Adi Dravidar Welfare & Land Acquisition Dept,
Collectorate, Trichy 1 : Petitioner

versus

A.Natesan Pillai (died)

1.Thiyagalaingam
2.Paripooranam
3.Nageswari
4.Vasantha
5.Nalini : Respondents

Petition filed under Order 47 Rules 1 and 2 read with Section 114 of the Code of Civil Procedure to review the order in CRP (MD) No. 2020 of 2019 dated 27.08.2020.

For Petitioner : Mr.Gandhi Raj,
Special Government Pleader

For Respondents : No appearance for Respondents 1, 3
Respondent No.2 died (steps due)
Respondent No.4 no such addressee
Respondent No.5 - Absent

**ORDER**

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The Special Tahsildar, Adi Dravidar Welfare and Land Acquisition Department, Trichy, has come up with this review petition seeking review of the order of this Court in CRP (MD) No.2020 of 2019, dated 27.08.2020.

2. The revision petition in CRP (MD) No.2020 of 2019 was directed against the order passed by the First Additional Sub Court, Trichirappalli, in E.P.No.183 of 2000, dated 23.09.2019 in L.A.O.P.No.1 of 1997. The execution petition was resisted on the ground that the decree had already been satisfied by the appellant. This Court, after elaborately considering the arguments advanced by the learned Government Advocate appearing for the revision petitioner as well as learned counsel appearing for the respondents, directed the Government to deposit a sum of Rs.60,45,353/- along with interest at 15% per annum on the sum of Rs.23,48,040/- for the period from 01.09.2020, within twelve weeks from the date of receipt of the order. The operative portion of the order reads as follows:



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"7. As a result, this Civil Revision Petition is dismissed with cost of Rs. 1,50,000/- (Rupee One Lakh fifty thousand only) payable to the respondents within eight weeks from the date of receipt of copy of this order. It is open to the Government to proceed against the Special Tahsildar who was instrumental in sticking to a faulty calculation contrary to statute and pressurise the Government Advocate to stick to it for no plausible or reasonable cause. To avoid attachment of movables, the petitioner shall deposit a sum of Rs.60,45,353/- along with interest at 15% per annum on the sum of Rs.23,48,040/- for the period from 01.09.2020 within twelve weeks from the date of receipt of this order. Consequently, the connected miscellaneous petition is closed."

3. Though the revision petition in CRP (MD) No.2020 of 2019 was dismissed by directing the Government to pay the amount as indicated above, the review application was filed on the ground that



there is some mistake in the calculation. However, right from day one, the mistake or error in the calculation was never pointed out or demonstrated before this Court. Learned Government Advocate relied upon the judgment of the Hon'ble Supreme Court in ***Sunder vs. Union of India [2001(7) SCC 211]*** and few other judgments, which have already been discussed in the order sought to be reviewed. The Hon'ble Supreme Court and this Court have repeatedly held that review is not an appeal in disguise. Law is also settled that the power of review cannot be confused with the power of appeal. Unless a review petition comes under the purview of Order 47 Rule 1 of the Code of Civil Procedure, there is no scope for entertaining the review application. The Hon'ble Supreme Court has also held that an error must be manifest on the face of the order. Even if an error has to be detected by a process of reasoning, a review cannot be entertained. A party to the *lis* cannot be permitted to argue the same points or seek to reconsider the conclusions which have been spelt out in the judgment, after hearing the parties on merits in a review application.

4. In this case, this Court does not find any error apparent on the face of the record to get it corrected by way of invoking the review jurisdiction. Therefore, there is no scope for entertaining the review



application.

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5. In the result, the review application is dismissed. There will be no order as to costs. Consequently, CMP (MD) No.7241 of 2020 is closed.

06.06.2024

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6

S.S.SUNDAR, J.

(tar)

Rev. Appl. (MD) No.64 of 2020

06.06.2024