

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE: C.R.P.No.369 OF 2012

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	.04.2025	<u>SKS, J</u> <u>I.A.No.2 OF 2024</u> This application is filed by the review petitioners/petitioners, praying this Court to review order dated 22.03.2024 passed by this Court in CRP. The brief facts of the case are that the petitioners filed CRP against the respondents, challenging the orders passed by the Joint Collector, Rangareddy District, in File No.F2/711/2007 dated 11.04.2011. This Court <i>vide</i> order dated 22.03.2024 dismissed the CRP., and the petitioners received the certified copy of order on 29.05.2024. The petitioners contend that the respondents filed an appeal with a delay of over two years, which was not considered by the Joint Collector. The main contention is that the delay petition was not decided, and the appeal was decided on merits without considering the limitation point.	

		The main dispute between the parties revolve over tenancy rights and land ownership. The petitioners contend that a Final Tenancy Certificate was issued in the name of Korani Achiga, and the succession orders were granted to the petitioners as the lineal descendants of the late Protected Tenant, and that the respondents, who purchased the land, have no <i>locus standi</i> to challenge the succession proceedings. The petitioners specifically contend that the sale of land to the respondents is illegal and void under the Tenancy Act, as the required procedure was not followed. Being aggrieved by dismissal of CRP., this review petition is filed by the revision petitioners. Heard Sri M.Rajender Reddy, learned counsel for review petitioners, and Sri B.Mahender Reddy, learned counsel for respondents. Learned counsel for review petitioners submitted that the dismissal of the CRP <i>vide</i> order dated 22.03.2024 was erroneous and requires review. He contended that though respondents have raised objections regarding the	
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		maintainability of the review petition, citing the absence of a provision for review under the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'Act, 1950'), he placed reliance on the judgment rendered in the case of Radha Bai Vs. Banka Chinnayya and others¹, whereunder, it was held that the High Court has the power to review its own judgment under Section 91 and Section 92 of the Act. Learned counsel for review petitioners contended that the Joint Collector erred in deciding the appeal on merits without considering the delay petition filed by the respondents, and that the petitioners specifically raised this issue in their grounds of CRP, but the same was not considered by this Court while passing order dated 22.03.2024. He lamented that the non-consideration of the delay aspect is an error apparent on record, and the CRP is liable to be remanded to the Joint Collector for deciding the delay petition. He asserted that the respondents' appeal before the Joint Collector was filed with a	
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¹ AIR 1968 AP 353

		delay of over two years, and the Joint Collector allowed the appeal by setting aside the order of the MRO, which was beyond the prayer sought by the respondents. He divulged that the Final Tenancy Certificate issued in the name of Korani Achiga is conclusive proof of tenancy rights, and the succession orders granted to the petitioners are valid, and that the respondents, who purchased the land have no <i>locus standi</i> to challenge the succession proceedings. He averred that the sale of land to the respondents is illegal and void under the Act, as the required procedure under Section 38-D was not followed. Therefore, he prayed this Court to review the impugned order dated 22.03.2024 set aside the same, and to allow the revision petition. On the other hand, learned counsel for respondent, vehemently opposed the submissions made by learned counsel for petitioner stating that there are no irregularities or infirmities in the impugned order dated 22.03.2024. He submitted that that the land in Survey No.426 of Budvel Village, admeasuring Acs.3.31 guntas (<i>hereinafter</i>	
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		<i>referred to as "land in question")</i> was cultivated and possessed by Ameena Begum, and after her death, by Abdul Rasheed from before 1950. He asserted that the respondents have been in possession and cultivation of the land since 1961, with their names recorded in revenue records, and that the alleged protected tenant (PT), Koram Achiga, was never recorded as a tenant or cultivator in the final tenancy register or in revenue records. He contended that on 01.10.1975, Budvel Village was declared as an "urban area" under G.O.Ms.No.411 MA dated 27.09.1975, published in the A.P. Gazette, and consequently, by virtue of Section 102(e) of the Hyderabad Tenancy and Agricultural Lands Act, 1950 ("Act XXI of 1950"), the land ceased to be agricultural, and thus the provisions of the Act ceased to apply, and that since protected tenancy rights are rights of cultivation, they stand extinguished upon such urban notification. In addition, learned counsel for the respondents submitted that the Petitioners' claim is highly belated, lacking justification or explanation for huge delay. He averred that the	
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		order of Tahsildar granting succession rights to the petitioners was beyond jurisdiction, especially, in the absence of any PT certificate, lease deed, or any supporting documents proving tenancy rights. He asserted that the Final Tenancy Register did not include the name of Koram Achiga, nor was there any material to establish protected tenancy. He emphasized that Section 40 does not empower revenue authorities to adjudicate complex succession disputes, which fall within the purview of civil Courts. Therefore, while advocating that the Joint Collector rightly set aside the order of Tahsildar, holding that such delayed claims cannot be entertained through summary enquiries under revenue jurisdiction, he prayed this Court to dismiss this application stating that there are no irregularities or illegalities in impugned order dated 22.03.2024. Having regard to the rival submissions made and on going through the material placed on record, at this juncture, it is imperative to note down the scope of review. At the outset, a review petition in civil matters is governed by Order XLVII, Rule 1 of CPC and Article 137 of the	
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		Constitution (for cases before the Hon'ble Supreme Court), allowing a Court to review its judgment only on limited grounds, viz., (i) discovery of new and important evidence, (ii) error apparent on the face of the record, and (iii) any other sufficient reason. A review cannot be used as an appeal or reconsideration of the case on merits. Further, the Order XLVII Rule 1 of CPC does not limit the remedy of review only to the parties to the judgment under review. In other words, even a third party to the proceedings, if he/she considers himself/herself to be an "aggrieved person", may take recourse to the remedy of review petition. The quintessence is that the person should be aggrieved by the judgment and order passed by this Court in some respect. Further, the limitations on exercise of the power of review are well settled, the first and foremost requirement of entertaining a review petition is that the order under review suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice. In the absence of any such error, finality attached to the judgment/order	
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		cannot be disturbed. In addition, the Hon'ble Supreme Court in the case of Sanjay Kumar Agarwal Vs. State Tax Officer and Others² held as under: “9. In the words of Krishna Iyer J., (as his Lordship then was) “a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in the counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace.” [<i>Northern India Caterers (India) Ltd. v. State (UT of Delhi)</i>, (1980) 2 SCC 167] 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. [<i>Sajjan Singh v. State of Rajasthan</i>, 1964 SCC OnLine SC 25 :	
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² 2024 2 SCC 362

		AIR 1965 SC 845] 11. In <i>Parsion Devi v. Sumitri Devi</i> [<i>Parsion Devi v. Sumitri Devi</i>, (1997) 8 SCC 715] , this Court made very pivotal observations : (SCC p. 719, para 9) “9. Under Order 47 Rule 1CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. <i>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</i> justifying the court to exercise its power of review under Order 47 Rule 1CPC. In exercise of the jurisdiction under Order 47 Rule 1CPC <i>it is not permissible for an erroneous decision to be “reheard and corrected”</i>. A review petition, it must be remembered has a limited purpose and cannot be allowed to be “an appeal in disguise”. (emphasis supplied) 12. Again, in <i>Shanti Conductors (P) Ltd. v. Assam SEB</i> [<i>Shanti Conductors (P) Ltd. v. Assam SEB</i>, (2020) 2 SCC 677 :	
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		(2020) 2 SCC (Civ) 788] , a three-Judge Bench of this Court following <i>Parsion Devi v. Sumitri Devi</i> [<i>Parsion Devi v. Sumitri Devi</i>, (1997) 8 SCC 715] 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 <i>Shri Ram Sahu v. Vinod Kumar Rawat</i> [<i>Shri Ram Sahu v. Vinod Kumar Rawat</i>, (2021) 13 SCC 1 : (2023) 2 SCC (Civ) 686] , this Court restated the law with regard to the scope of review under Section 114 read with Order 47 CPC. 14. In <i>Arun Dev Upadhyaya v. Integrated Sales Service Ltd.</i> [<i>Arun Dev Upadhyaya v. Integrated Sales Service Ltd.</i>, (2023) 8 SCC 11 : (2023) 4 SCC (Civ) 123] , this Court reiterated the law and held that : (SCC p. 21, para 35) “35. 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 47 Rule 1CPC. An error on the face of record	
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		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.” From the above extracted portion, it is clear that the scope of a review petition in civil matters is extremely limited and cannot serve as a substitute for an appeal. The Hon’ble Supreme Court in the case of Sanjay Kumar Agarwal (supra 2) along with other landmark cases, as referred in the above extracted portion, (<i>Northern India Caterers, Parsion Devi, Shanti Conductors, Shri Ram Sahu, and Arun Dev Upadhyaya</i>), has consistently held that a review is permissible only in cases of an error apparent on the face of the record, discovery of new evidence, or any other sufficient reason under Order 47 Rule 1 CPC. Emphasis was laid on the subject that a review is not meant for rearguing the case or reconsidering its merits, and in the case of <i>Arun Dev Upadhyaya</i> the Court reaffirmed that an error must be self-evident and not require elaborate reasoning. Thus, a review petition cannot function as an	
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	appeal in disguise and is allowed only in rare and compelling circumstances. As per the above extracted portion, it is clear that the grounds to entertain a review petition are (i) discovery of new and important evidence, (ii) error apparent on the face of the record, and (iii) if any other sufficient reason, are met. After carefully considering the submissions made by both parties and the material on record, the Court finds no error apparent on the face of the record in the impugned order dated 22.03.2024. The issues raised by the review petitioners primarily pertain to the merits of the case and do not fall within the limited scope for review under Order XLVII, Rule 1 of the CPC. The petitioners have neither demonstrated the existence of any new and important evidence nor identified any manifest error on the face of the record. Although the petitioners contend that the aspect of delay was not considered and claim it amounts to an error apparent on record warranting remand to the Joint Collector, the Court is of the view that this contention was	
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		adequately tackled in the CRP in paragraph No.26. Accordingly, there are no grounds to entertain a review of the said order. Further, no sufficient reason has been established to justify interference by this Court. In light of the settled legal principles governing review jurisdiction, the Court finds no merit in the review petition, and is of the opinion that the same is liable to be dismissed. Accordingly, this application is dismissed. <u>SKS, J</u> PT	
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