

23.05.2025
Item No. 02
Ct. No. 30
AN

**RVW 144 of 2025
with
CAN 1 of 2025
In
WPA 18390 of 2017
Tapas Kumar Chowdhury
vs.
Nandadulal Laha & Ors.**

Mr. Kallol Basu
Mr. Suman Banerjee

... for the revisionist/respondents

1. No affidavit of service has been filed. It is submitted that the service could not be made upon the writ petitioner/opposite party herein.

2. Learned counsel appearing for the revisionist has moved the present case praying for review of this Court's order dated 02.04.2025, directing demolition of an unauthorised construction.

3. CAN 1 of 2025 is an application praying for stay of the said order.

4. It is submitted that the revisionist/respondents could not appear before the Court on 02.04.2025, when this Court directed the authorities to proceed with the demolition in accordance with law. No reason has been stated for such non appearance.

5. It is further submitted that the Chairman, Serampore Municipality has now issued a demolition notice dated 16.05.2025 vide Memo No. 342/Misc-10.

6. It is also submitted that the revisionist herein being the respondent/tenants in the writ application will be prejudiced if the order is carried out.

7. This Court finds that the order dated 02.04.2025 is an extensive order which this Court passed on hearing the parties and on the basis of the materials on record and none of the grounds as made out in the review application is an error apparent on the face of the record.

8. In *S. Murali Sundaram vs. Jothibai Kannan & Ors. reported in (2023) 13 SCC 515*, the Supreme Court clearly laid down the guidelines relating to the scope of review jurisdiction.

9. On perusal of the materials on record, it appears that the revisionist has also challenged a notice dated 16.05.2025 which was issued by the Chairman, Sreerampore Municipality in compliance with the directions passed by this Court and as such the notice suffers from no infirmity and this is also not a matter which can be considered in a review application.

10. The grounds on which the prayer for review has been made, are not grounds for review, there being no material error, manifest on the face of the judgment/order under review and thus **no miscarriage of Justice.**

11. Considering the grounds on which review has been prayed for, it appears that the review application is

clearly **an appeal in disguise** as there is no error apparent on the face of the record and documents not part of the writ application are challenged.

12. The petitioner in the review application has sought to re-appreciate the materials on record which is not permissible under the forum of review, there being no prima facie misconception of fact or law in the judgment/order under review.

13. It is thus clear that the review application has been preferred, even though there is no error apparent on the face of the judgment/order under review.

14. Thus, the review application stands dismissed. Consequently, connected application being CAN 1 of 2025 also stands disposed of.

15. Interim order, if any, stands vacated.

16. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)