



Rev.Aplw(MD)No.2 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**Rev.Aplw(MD)No.2 of 2021
in
W.P.(MD)No.16796 of 2020**

1.A.Dhanaraj
2.Basilica

...Petitioners/Respondents No.2 & 3

Vs.

1.A.Yogakumar Corera,
Through his power agent,
A.Hilda Malar.

...1st Respondent/Writ Petitioner

2.The Commissioner,
Tuticorin Corporation,
Tuticorin.

...2nd Respondent/1st Respondent

PRAYER: Review Application is filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., to review the order dated 04.12.2020, made by this Court in W.P(MD)No.16796 of 2020.

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents from proceedings with the illegal construction without due approval from the 1st respondent and direct the 1st respondent to initiate appropriate legal action against the 2nd and 3rd respondent for the unauthorized construction of 3 storied



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building comprised in building bearing Ward No.32, South Raja Street, Town Survey Ward No.7, Block No.5, Town Survey No.224/1, D.No.120, within the Registration District of Thoothukudi and sub Registration District of Thoothukudi, Kelur.

For Petitioners : M/s.N.Dilip Kumar

For Respondents : Mr.V.Shathurthiraja for R1
M/s.N.Anandakumar for R2

* * * * *

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The review petition has been instituted to review the order dated 04.12.2020, passed in W.P.(MD)No.16796 of 2020.

2.The grounds for review reveal that the writ petitioner, namely, Mr.A.Yogakumar Corera, also put up unauthorised construction. The review petitioner is the second respondent in the writ petition. This Court made an observation that in the event of any such unauthorised construction made by the review petitioner, action to be taken. The observations made by this Court in the writ order would not provide the cause for filing a review petition. It is needless to state that the competent authorities are bound to deal with the unauthorised construction and action to be initiated. However, these observations in the writ petition would provide no cause for filing the review petition.



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3. That apart, the writ petition was closed, since action was taken in the review petition.

4. The review application has a limited scope and cannot be allowed to be argued as an appeal in disguise. In many cases, across the country, it is held that where the grounds enumerated under Order 47 Rule 1 of CPC, is eminent and in the absence of satisfying the ingredients, no review application would lie. The review application is not a process of re-hearing the whole matter, which had been finally disposed of and the review application filed by the petitioner exactly attempts to do the same. The review application is for correction of mistake and not for substitution of views. A point which may be a ground for an appeal is certainly not a ground for review. Thus, an erroneous view of evidence or law, has no ground for review, though, it may be a ground for an appeal.

5. The apex Court in the case of ***Kamlesh Verma Vs. Mayawati*** , reported in **2013 (8) SCC 320**, summaries the principles in respect of the maintainability of the review application under Order 47 Rule 1 CPC. Paragraph Nos.20 and 21 of the said judgment are extracted hereunder:-

"Summary of the principles

20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:



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20.1. When the review will be maintainable:

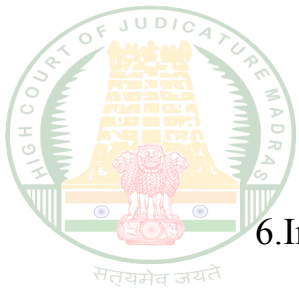
- (i) *Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the applicant or could not be produced by him;*
- (ii) *Mistake or error apparent on the face of the record;*
- (iii) *Any other sufficient reason.*

The words “any other sufficient reason” have been interpreted in Chhajju Ram v. Neki [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius [AIR 1954 SC 526 : (1955) 1 SCR 520] to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd. [(2013) 8 SCC 337 : JT (2013) 8 SC 275]

20.2. When the review will not be maintainable:

- (i) *A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- (ii) *Minor mistakes of inconsequential import.*
- (iii) *Review proceedings cannot be equated with the original hearing of the case.*
- (iv) *Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.*
- (v) *A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.*
- (vi) *The mere possibility of two views on the subject cannot be a ground for review.*
- (vii) *The error apparent on the face of the record should not be an error which has to be fished out and searched.*
- (viii) *The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.*
- (ix) *Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.*

21. Keeping the above principles in mind, let us consider the claim of the applicant and find out whether a case has been made out for interference exercising review jurisdiction."



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6. In the present case, the review petitioner who is the second respondent in the writ petition raised a ground stating that unauthorised construction of the writ petitioner/respondent in the present writ petition has not been removed. It may provide a cause for him to raise the complaint for initiation of enforcement action to remove the authorised construction. But certainly would not provide cause for filing the present review petition. Thus, Review Petition stands dismissed. No costs.

[S.M.S., J.] [B.P., J.]
15.07.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
RJR/NST



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