



REV.APLW(MD)Nos.123 and 124 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2025

CORAM

THE HON'BLE MRS.JUSTICE **J.NISHA BANU**
and
THE HON'BLE MR.JUSTICE **R.VIJAYAKUMAR**

REV.APLW(MD)Nos.123 and 124 of 2023

Mahalingam

... Petitioner in both cases

-VS-

1.The District Collector,
Collector Office, Ramnad District.

2.The Executive Engineer,
Public Works Department,
Paramakudi, Ramanad District.

3.The Tahsildar,
Thasildar Office, Thiruvadanai, Ramnad District.

4.The Assistant Engineer,
Public Works Department,
Irrigation Division-II, Thiruvadanai, Ramnad District.

5.S.Sugumaran

... Respondents in both cases

Prayer: These Review Applications are filed under Order 47 Rule 1 r/w
Section 114 of CPC to review the order passed by this Court in W.P.
(MD)Nos.16187 and 21832 of 2017, dated 14.12.2022.



REV.APLW(MD)Nos.123 and 124 of 2023

For Petitioner : Mr.R.Rajaraman

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COMMON ORDER

J. NISHA BANU, J.

and

R.VIJAYAKUMAR, J.

These Review Applications have been filed by the Writ Petitioner to review the order passed by this Court in W.P.(MD)Nos.16187 and 21832 of 2017, dated 14.12.2022.

2.The Review Applicant has filed the above Writ Petitions to quash the impugned orders passed by the third respondent, dated 03.04.2017 and 25.07.2016 and the order of the fourth respondent, dated 07.06.2017. This Court, by order, dated 08.02.2024, has passed the following order:

“4.Perusal of the impugned orders shows that the petitioner has challenged the inter-departmental communication dated 03.04.2017 between the respondents 3 and 2 and the Form-III notice issued to the Thiruvadanai Village Panchayat to remove the encroachment in Survey No.235. However, the petitioner has not impleaded the Thiruvadanai Village Panchayat as a party to this writ petition. Even in the earlier order in W.P(MD)No.14714/2014 dated 22.11.2016, this Court has made it clear that though the land in Survey No.235 at Thiruvadanai has been classified as village communal land and vested with the



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panchayat, at the same time, the irrigation rights of the other villagers through Anthiur channel which runs through the sub-divisions of S.No.235 shall not be disturbed by the petitioner therein. According to the 4th respondent, the kanmois and its supply channels run through the sub-divisions of S.No.235 are under the control and maintenance of PWD authorities and therefore, we are of the view that the impugned orders do not require interference by us and there is no merit in the writ petition.

5. Accordingly, W.P(MD)No.16187 of 2017 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

6. W.P(MD)No.21832/2017 is filed for issuance of a Writ of Certiorari, calling for the records of the Thasildar of Thiruvadanai, the 3rd respondent herein, vide Mu.Mu.A6/20273/2015 dated 25.07.2016 and quash the same as illegal.

7. The aforesaid impugned order dated 25.07.2016 was passed pursuant to the direction issued by this Court in W.P(MD)No. 16959/2015, filed by one V.Subramaniam who sought to remove the Government Arts College being built in the water supply channel in Survey No.235 and this Court by order dated 20.11.2015 in the aforesaid writ petition, has directed the Tahsildar, Thiruvadanai, to conduct a survey in the aforesaid property. Pursuant to the said order, the Tahsildar, Thiruvadanai, has conducted a survey of S.No.235 in the presence of the petitioner in W.P(MD)No. 16959/2015/V.Subramaniam and it was shown that the said Government college was not constructed in the water supply channel in S.No.235, but contending that the shed put up by the petitioner herein in Mayanam therein, the petitioner in W.P(MD)No.16959/2015 namely, V.Subramaniam refused to sign in the surveyor's report. Challenging such order, W.P(MD)No. 21832/2017 is filed.

8. In this writ petition also, the petitioner herein has made the very same averments in W.P(MD)No.16187/2017 and here again, the petitioner has not impleaded the Thiruvadanai Village Panchayat as a party. Perusal of the averments in the affidavit shows that the petitioner has not raised any grounds for quashing the aforesaid impugned order. If the petitioner is aggrieved by



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the impugned order herein, he has to work out his remedy before the authority concerned.

9. Accordingly, W.P(MD)No.21832 of 2017 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. “

3.A perusal of the affidavit filed in support of the review application would go to show that the review applicant assails the findings of this court stating that the judgment is vitiated.

4.The argument of the learned counsel for applicant/review petitioner is that this Court should re-open the findings recorded in the judgment under review.

5.It is made clear here that review jurisdiction cannot be used for that purpose. This is not the scope of Section 114 read with Order 47 Rule 1 CPC. Power of review can be exercised for correction of a mistake but not to substitute a view.

6.The review is also not an appeal in disguise. In the considered view of this court, there is no error apparent on the face of the record



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warranting review of order dated 14.12.2022. If the petitioner is aggrieved, he can file appeal and work out the remedy in the manner known to law. This court in exercise of review jurisdiction, without sufficient and just reasons, cannot review its own judgment. Finding no merits, the present Review applications are dismissed. No costs.

(J.N.B., J.) (R.V, J.)
03.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

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Collector Office, Ramnad District.

2.The Executive Engineer,
Public Works Department,
Paramakudi, Ramanad District.

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