



W.M.P.(MD)No.5346 of 2025

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**

W.M.P.(MD)No.5346 of 2025
in
REV.APLW(MD)SRNo.19664 of 2025
and
REV.APLW(MD)SRNo.19664 of 2025

1.P.Ayyappan
2.N.Krishnasamy
3.G.Kumar
4.N.Lavan
5.P.Murugan
6.A.Thangavel
7.M.Veluchami

... Petitioners in both cases

-VS-

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Vadasandhur Taluk, Dindigul District.

4.M.Vairaperumal

... Respondents in both cases



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Prayer : This Miscellaneous Petition is filed under Article 226 of Constitution of India to grant leave to the petitioners to file the instant petition to review the order, dated 07.02.2024 in W.P.(MD)No.2503 of 2024.

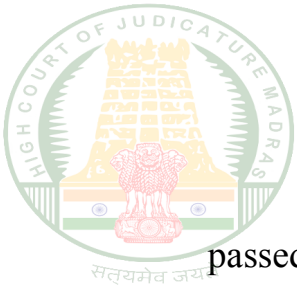
Prayer: This Review Application is filed under under Article 226 of Constitution of India to review the order passed by this Court in W.P. (MD)No.2503 of 2024, dated 07.02.2024 by clarifying the respondents to follow the due process of law as contemplated in Tamil Nadu Land Encroachment Act, 1905 and the Revenue Standing Orders in case of removal of encroachment.

For Petitioners	:Mr.S.Louis
For R1 to R3	:Mr.M.Sarangan
	Additional Government Pleader

ORDER

J. NISHA BANU, J,
and
R.VIJAYAKUMAR, J.

This petition has been filed by one Mr.P.Ayyappan, who is a third party to the Writ Petition in W.P.(MD)No.2503 of 2024 to grant leave to the petitioner to file the above Review Application to review the order



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passed in W.P.(MD)No.2503 of 2024, dated 07.02.2024.

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2.Heard the learned Counsel appearing on either side and perused the materials placed before this Court.

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.



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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 warranting review of judgement dated 07.02.2024. If the petitioner is aggrieved, he can file an 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.

7.Perusal of the records would reveal that this Court has only given a direction to the official respondents to consider the representation of the Writ Petitioner, dated 19.09.2023 after affording sufficient opportunity of hearing to all the parties and the petitioner herein is always at liberty to approach the official respondents in respect of the representation made by the Writ Petition. Without exhausting the said exercise, the petitioner has straightaway approached this Court to review the order passed in the Writ Petition. Hence, this Court is not inclined to entertain this petition.



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8.In the result, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, REV.APLW(MD)SRNo.19664 of 2025 is rejected at SR stage itself.

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

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

cmr

To

1.The District Collector,
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3.The Tahsildar,
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