



REV.APLC.(MD)Nos.136 to 138 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

REV.APLC.(MD)Nos.136 to 138 of 2024

A.Muthulakshmi	... Petitioner in Rev.Aplc.(MD)No.136 / 2024
A.Saravanan	... Petitioner in Rev.Aplc.(MD)No.137 / 2024
A.Senthilrajan	... Petitioner in Rev.Aplc.(MD)No.138 / 2024

Vs.

- 1.The Principal Secretary &
Commissioner of Land Administration,
Chepauk, Chennai-5.
- 2.The District Collector,
Madurai District.
- 3.The Revenue Divisional Officer /
Land Acquisition Officer,
Usilampatti, Madurai District.
- 4.The Senior Regional Manager,
Hindustan Petroleum Corporation Limited,
Thalaimuthu Natarajan Building,
3rd Floor, No.8, Gandhi Irvin Road,
Egmore, Chennai-600 008.



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5. The Plant Manager,
Hindustan Petroleum Corporation Limited,
Kappalur, Madurai.

...Respondents

COMOMN PRAYER: Applications filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., to review the orders dated 12.06.2024 passed in W.A.(MD)Nos. 1041 to 1043 of 2019 on the file of this Court.

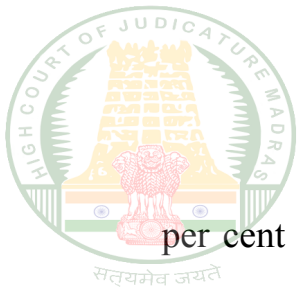
For Petitioners : Mr.R.Suriya Narayanan
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

These Review Petitions have been filed to review the orders dated 12.06.2024 made in W.A.(MD)Nos.1041 to 1043 of 2019.

2.It is not in dispute that the land, which belongs to the review petitioners, were acquired and the District Collector, Madurai, engaged in private negotiation with the review petitioners in terms of the provisions of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Land Acquisition Act'). The sale consideration was determined at Rs.10,500/-

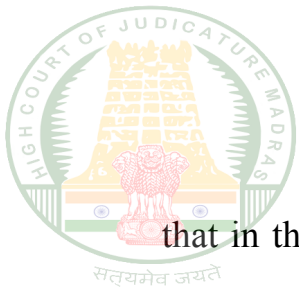


per cent and the petitioners had lent their consensus for the sale wholeheartedly.

Pertinently, the sale deed was also executed in favour of the Government and the land was acquired in the year 2009 and the sale deed was executed subsequently. The Writ Court rejected the claim of the petitioners for grant of interest under the Act, since the sale deed was executed based on the negotiations between the parties ie., the District Collector, Madurai and the land owners. The Writ Appellate Court has also considered this issue and dismissed the Writ Appeals.

3.The learned counsel appearing for the review petitioners would urge this Court that the observations made in the Writ Appeal about the Transfer of Property Act are no application. The statutory right of the petitioners to claim interest cannot be denied and other grounds raised also deserve to be considered, since the orders sought to be reviewed are not in consonance with the provisions of the Land Acquisition Act.

4.This Court is of the considered view that the scope of the review under Order 41 Rule 1 of C.P.C., cannot be expanded for the purpose of re-adjudication of merits. The erroneous order in the opinion of the petitioners cannot be a ground to entertain the Review Petition. Scope of review is restricted only to the extent



that in the event of establishing error apparent, which alone to be considered. In the present case, the petitioners have raised several grounds, which are all relating to merits of the case. The legal principles to be followed for entertaining the Review Petition are considered by this Court in Rev.Aplc.(MD)No.662 of 2017, dated 20.12.2017. The relevant paragraphs are extracted hereunder:-

“9. Further, the Supreme Court of India held that the review jurisdiction cannot be used as an Appellate Jurisdiction. The “mistake” or “error” must exist apparent on the face of the record to seek for review. As per Order 47 Rule 1 CPC, the judgement may be opened to review, inter alia, if there is a mistake or an error apparent on the face of the records. An error which is not self-evident and has to be detected by a process of reasoning can hardly said to be an error apparent on the face of the record justifying the Court to exercise its power of review in exercise of the jurisdiction under Order 47 Rule 1 CPC. It is impermissible for an erroneous decision to be “re-heard and corrected” and there is a clear distinction between an erroneous decision and an error apparent on the face of the record.

10. 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 CPC is imminent and in the absence of satisfying the ingredients, no review application would lie. The



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review application is not a process of re-hearing of the whole matter, which had been earlier finally disposed of and the review application filed by the present applicant herein exactly attempts to do the same. Acceptability or rejection of the review application has to be decided only with reference to the grounds on which the review is permissible and not on the merits of the claim. The Supreme Court of India in the case reported in AIR 2000 SC 1650 held that a review application is for a 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 of law is no ground for a review, though, it may be a ground for an appeal. The grounds of review application presently filed by the applicant does not make out an evidence of error apparent on the face of the order of this Court.

*11.The two Judges Bench of the Supreme Court of India in the case of **Kamlesh Verma Vs. Mayawati**, reported in **2013 (8) SCC 320**, summarise 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:

20.1. When the review will be maintainable:



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(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.*



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(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."

5.The learned counsel appearing for the review petitioners would submit that review can be entertained even on misappropriation of facts on the basis of the records available. However, in the present case, admittedly, the land acquisition compensation has been settled by negotiation between the parties and



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the review petitioners had executed sale deed in favour of the Government.

Therefore, those circumstances would not arise at all in the present case. Further, the grounds raised relating to merits cannot be re-adjudicated and therefore, this Court is not inclined to entertain the Review Petitions. Thus, these Review Petitions are dismissed. No costs.

(S.M.S., J.) & (L.V.G., J.)
25.07.2025

NCC : Yes / No

Index : Yes / No

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