

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE SMT JUSTICE RENUKA YARA**

**REVIEW I.A.No.3 OF 2025
IN
WRIT APPEAL No.512 OF 2025**

Mr.Neeli Rishi Kumar, learned counsel appearing for the review petitioner/appellant.

Mr.Srinivas Rao Pachwa, the learned Standing Counsel appearing for the respondent No.1-GHMC.

Mr.V.Ravinder Rao, learned Senior Counsel representing Mr.Sathvik Makunur, learned counsel appearing for the respondent Nos.2 to 5.

ORDER: (Per Hon'ble Justice Moushumi Bhattacharya)

1. This is a review application filed by the unsuccessful writ petitioner/unsuccessful writ appellant of an order passed by a Co-ordinate Bench dated 30.04.2025.
2. The Co-ordinate Bench consisted of one of us (Smt. Justice Renuka Yara).
3. By the order under review, two Writ Appeals viz., W.A.Nos.512 and 525 of 2025 were filed by the review applicant and the same were dismissed. Both the writ appeals arose of an order dated 21.04.2025 passed by a learned Single Judge of this Court by dismissing W.P.No.16141 of 2023 filed by the review applicant.
4. We are only concerned as to whether the order dated 30.04.2025 warrants the review within the general principles

under Order XLVII Rule 1 of The Code of Civil Procedure, 1908 ('CPC').

5. The brief facts as submitted by learned counsel appearing for the review applicant/appellant/writ petitioner as well as learned Senior Counsel appearing for the respondent Nos.2 to 5 are as follows:

6. The review applicant/writ petitioner filed the writ petition for declaring the proceedings undertaken by the respondent No.1/GHMC by way of letter dated 20.06.2023 for cancelling the building permission granted to the petitioner dated 21.04.2020 as arbitrary and illegal. The petitioner also prayed for setting aside of the said cancellation of building permission. The learned Single Judge dismissed the writ petition on 21.04.2025 on the ground that the writ petitioner has caused misrepresentation and suppressed the material facts. The learned Single Judge found the impugned order to be a well reasoned order.

7. The writ petitioner as well as the respondent No.6 (builder) filed two Appeals against the order of the learned Single Judge. The Division Bench dismissed both the Appeals by the order under review i.e., order dated 30.04.2025.

8. The Division Bench dismissed the Appeals primarily on the ground of suppression of material facts while submitting the undertaking given by the writ petitioner before the GHMC on 28.02.2020. The Division Bench found that the suppression was not only in relation to pendency of the Civil suits between the petitioner and the respondent Nos.2 to 5 (who are brother and sister, respectively) but also an order of injunction suffered by the writ petitioner on 31.10.2018. The Division Bench was accordingly of the opinion that pendency of the Suits for partition filed by the respondent Nos.2 to 5 where the petitioner's title itself is under challenge, suppression of such fact would indeed be material to the GHMC in passing any orders of cancellation of the petitioner's building permission.

9. During the course of arguments in the review application, learned counsel appearing for the petitioner did not contradict the fact of suppression on the petitioner's part as recorded by the Division Bench in the order dated 30.04.2025. All that counsel submitted was that the petitioner did not have a scope to bring material facts on record in the undertaking before the concerned authority. Counsel also sought to rely on certain building application forms to buttress the aforesaid submission.

10. Since admittedly the petitioner has caused suppression of material facts in his undertaking including pendency of the Civil Suits for partition and injunction, we are of the considered view that there is no error whatsoever on the face of the record in the order under review.

11. Hence, this Court holds that the question of a review under the principles delineated in Order XLVII Rule 1 of the CPC does not arise. It is evident that the petitioner seeks to treat the review application as an Appeal from the order passed by the Division Bench rejecting the Writ Appeals filed by the petitioner and the respondent No.6. We need not elaborate on the principles on which the review may be allowed. The recent decision of the Supreme Court in *Malleeswari V. K. Suguna and another*¹ reiterates that an error apparent of fact or law on the face of the record should be evident as first blush and detailed reasoning is not warranted. Thus the power of review is strictly limited to the scope and ambit of Order XLVII Rule 1 of CPC and is not an appeal in disguise. This decision does not help the review applicant in I.A. (Review) since there is no error at all in the order under review. We may also refer to the recent judgment rendered by the Supreme Court in *Karnail Singh V.*

¹ 2025 SCC OnLine SC 1927

*State of Haryana*². Even otherwise, the Review Application does not satisfy the general principles warranting Review under Order XLVII Rule 1 of the CPC.

12. We accordingly find no merit in the review application.

13. Review I.A.No.3 of 2025 is accordingly dismissed in terms of the above.

MOUSHUMI BHATTACHARYA, J

RENUKA YARA, J

DATE: 31.10.2025

EDS/prat

² (2024 14 SCC 1)

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