

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1718 OF 2026
IN
REVIEW PETITION (ST) NO. 4705 OF 2026**

Vijay Nathu Mirkute Applicant/Review
...Petitioner.

In the matter between

The Tata Power Company Ltd. and Anr. ... Petitioners

V/s.

State Of Maharashtra and Ors. ... Respondents

Mr. Milind Patil a/w Umesh B. a/w Trushna Shah i/by
T. Dande for the Applicant.

Mr. Bhushan Deshmukh a/w H.N. Vakil, Samkit Shah
i/by Mulla & Mulla and Craigie Blunt & Caroe for the
Respondent / Original Petitioners.

Mrs. M.S. Srivastava, AGP, for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 11, 2026

P.C.:

INTERIM APPLICATION NO. 1718 OF 2026

1. This interim application is for condonation of delay. For the reasons stated in the application, this interim application is allowed.

REVIEW PETITION (ST) NO. 4705 OF 2026

2. Respondent No.1 has filed the present review petition. The main grievance raised by him is in relation to the order dated 26

March 2025 passed by this Court. According to Respondent No.1, while deciding the earlier petition this Court has taken into consideration two conveyance deeds as the basis for the decision. It is his submission that such consideration is factually incorrect and has resulted in an improper conclusion. On this premise, it is urged that the order requires reconsideration. The second ground raised in the review petition is that the reasons recorded in the impugned order are different from the reasons on the basis of which the petition was ultimately allowed. According to the respondent, this creates an inconsistency between the reasoning and the conclusion of the judgment. The third submission is that certain correction was carried out only on the basis of a letter and not on the basis of a formal adjudication. It is contended that such correction, made without a proper order after adjudication, is not permissible and therefore the order dated 26 March 2025 requires to be reviewed.

3. I have carefully considered the submissions made on behalf of the parties. It is necessary to first notice the nature and scope of the original proceedings before this Court. The original petition arose out of survey proceedings conducted by the competent authority. The controversy before the Court was limited in nature. It concerned the correctness of the findings which had arisen from the survey and the demarcation carried out by the authority in respect of the immovable property in question. The scope of examination by this Court was therefore confined to testing whether the survey and demarcation were carried out in accordance with law and whether the findings recorded by the

authority suffered from any jurisdictional error or manifest illegality.

4. When the dispute essentially relates to boundaries of property, demarcation of land, or the effect of a sale deed, the role of the Court in exercise of writ jurisdiction is limited. This Court does not sit as an appellate authority over factual findings recorded in survey proceedings. The Court interferes only when there is clear illegality, perversity, or violation of principles of law. In the present case, while deciding the original petition this Court had considered the material placed on record by all parties. The pleadings, documents, and the submissions of the learned advocates were examined. After considering the record, this Court recorded findings on the issues which arose from the survey and demarcation proceedings.

5. The grounds which are now urged in the present review petition were not raised at the time when the original petition was heard. The parties had full opportunity to place their contentions before the Court during the hearing of the petition. If certain arguments were not urged at that stage, they cannot be permitted to be raised for the first time in review proceedings. The scope of review jurisdiction is very limited. A review can be entertained only when there is an error apparent on the face of the record, or when some material fact which could not be produced earlier despite due diligence comes to light. Review cannot be treated as a rehearing of the entire matter.

6. In the present case, the submissions made by Respondent

No.1 essentially seek reconsideration of the issues which were already examined by this Court while deciding the original petition. The contentions regarding the conveyance deeds, the reasons recorded in the judgment, and the alleged correction carried out on the basis of a letter are matters which either formed part of the earlier record or could have been urged at the time of hearing of the petition. These submissions do not disclose any patent mistake or error apparent on the face of the record. The order dated 26 March 2025 reflects due consideration of the material which was placed before the Court at that time. Therefore, the grounds raised in the present petition do not satisfy the limited parameters within which review jurisdiction can be exercised.

7. In view of the above discussion, I am of the opinion that the present review petition does not disclose any error apparent on the face of the record. The grounds raised seek a re-examination of the issues already decided by this Court, which is not permissible in review jurisdiction. Consequently, the review petition stands dismissed.

(AMIT BORKAR, J.)