



Rev.Aplw.No.10 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Diamond City Residents Welfare Sangam
Regn. No.SRG/Coimbatore - South/4/24
Rep. by its President, G.Senthil Vadivel
S/o.Gopalsamy,
No.106,107 Diamond City,
New Railway Bridge, Vadugapalayam
Pollachi 642 001, Coimbatore District

Petitioner

Vs

- 1.The Member Secretary/
Joint Director (i/c)
Coimbatore District Town and Country
Planning Office,
No.50, Ground and First Floor,
FCI Road, Gandhimaa Nagar,
Ganapathy, Coimbatore 641 004
- 2.The Assistant Director
Coimbatore District Town and Country
Planning Office,
No.50, Ground and First Floor,
FCI Road, Gandhimaa Nagar,
Ganapathy, Coimbatore 641 004



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3.The Commissioner
Pollachi Municipality,
Pollachi, Pollachi Taluk,
Coimbatore District

4.C.Shanthakumar
No.6, PNG Nagar,
Mahalingapuram Post,
Pollachi 642 002, Coimbatore District

5.S.Jothimani
No.67, PNG Nagar,
Mahalingapuram Post,
Pollachi 642 002, Coimbatore District

Respondents

PRAYER : Review Application filed under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 12.12.2025 passed in W.P.No.10498 of 2024.

For Petitioner: Mr.T.Mohan
Senior Counsel
for Mrs.R.Hemalatha

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for R1 to R3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

This review application has been filed to review the order dated 12.12.2025 passed by a Division Bench of this Court in W.P.No.10498 of 2024.



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2.1. Learned Senior Counsel for the petitioner, *inter alia*, submitted that the petitioner's layout was approved under the Detailed Development Plan in 1979 and approval was granted in 1990. Under the Pollachi Reviewed Master Plan, 1996, the layout is classified purely as a residential zone and has never been sub-divided into primary or mixed residential zone. Hence, the subject plots earmarked for shops continue to fall strictly within a residential zone.

2.2. He would further submit that as per Rule 17 of the Tamil Nadu Combined Development and Building Rules, 2019, the lands classified as primary residential or residential use must be treated only as residential zone and no amendment has been made affecting this category. However, the respondent/authorities have erroneously applied provisions meant for mixed residential zones and illegally treated the subject site as commercial.

2.3. Learned Senior Counsel also submitted that technical concurrence was granted for construction of a Kalyanamandapam without any lawful land use conversion and without following the mandatory procedure contemplated under the provisions of the Tamil



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Nadu Town and Country Planning Act, 1971. Further, the DTCP circular dated 14.8.2021 only delegates power but does not dispense with statutory procedure and further it applies only to public purpose sites, whereas shops are not public purpose buildings. He would submit that the mandatory parking norms for Kalyanamandapam have not been complied with, thereby causing serious prejudice to the residents of the locality. Therefore, the order dated 12.12.2025 warrants review.

3. Per contra, learned Government counsel submitted that since the petitioner has failed to produce documents to show that the shop sites where Kalyanamandapam has been constructed is classified as primary residential area, this Court has rightly declined to grant relief to the petitioner. Therefore, there is no need to review the order dated 12.12.2025 passed by this Court.

4. Before analyzing whether the grounds raised by the petitioner fall within the ambit of the power conferred on this Court under Section 114 read with Order 47 Rule 1 of Civil Procedure Code, it is apposite to refer to the scope of review jurisdiction, as enunciated by the Apex Court in a recent judgment in the case of *Malleeswari v.*



*K.Suguna and another*¹, after referring to a catena of decisions, in the following terms:

*"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. **The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:***

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC [Meera Bhanja v. Nirmala Kumari Choudhury, (1995) 1 SCC 170].

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court [Aribam Tuleswar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 In exercise of the jurisdiction under Order

¹ 2025 INSC 1080



47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected.

A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [*Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715].

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power [*Lily Thomas v. Union of India*, (2000) 6 SCC 224].

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered [*Inderchand Jain v. Motilal*, (2009) 14 SCC 663]. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors [*Shivdev Singh v. State of Punjab*, AIR (1963) SC 1909].

16. To wit, through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at



the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.

17. Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record [Hari Vishnu Kamath v. Syed Ahmad Ishaque, (1955) 1 SCR 1104]. Such an error is a patent error and not a mere wrong decision [T.C. Basappa v. T. Nagappa, AIR (1954) SC 440]. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can



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hardly be said to be an error apparent on the face of the record [Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR (1960) SC 137].

17.3 Lastly, the phrase 'for any other sufficient reason' means a reason that is sufficient on grounds at least analogous to those specified in the other two categories [Chhajju Ram v. Neki, 1922 SCC OnLine PC 11 and approved in Moran Mar Basselios Catholicos v. Mar Poulouse Athanasius, AIR (1954) SC 526].

18. Courts ought not mix up or overlap one jurisdiction with another jurisdiction..."

[emphasis supplied]

5. Though we have heard the submissions of learned Senior Counsel for the petitioner and learned Government counsel for the official respondents against the order passed in the writ petition, in the light of the limited power conferred upon Courts exercising review jurisdiction under Section 114 and Order 47 Rule of CPC, as has been held by the Apex Court in the aforesaid decision, we shall now consider the plea raised in the review application bearing in mind the scope of review jurisdiction.



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6. According to the petitioner, the petitioner's layout was classified as residential only and the official respondents have not established and produced evidence that Diamond City was sub-divided into primary or mixed residential zones. Though Kalyanamandapam can be constructed in mixed residential zone as per G.O.Ms.No.1730, dated 24.7.1974, later on the said Government Order has been superseded by the Tamil Nadu Combined Development and Building Rules, 2019 and as per the said Rules, Kalyanamandapam can be constructed in commercial use zone along roads of minimum 15 metres width.

7. Further plea of the petitioner is that Diamond City comes under the classification of the residential zone as per master plan and the detailed development plan which falls within the category of Serial No.1 of Rule 17 of the Tamil Nadu Combined Development and Building Rules, 2019. Hence, the respondent/authorities cannot treat the petitioner's zone as commercial zone. According to the petitioner, the rules and regulations and procedures were not followed for land conversion from shop to Kalyanamandapam and the fifth respondent sought technical concurrence for commercial building situated at Block



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No.8, T.S.No.444/3, 444/4, Plot Nos.A to F, Pollachi Town for construction of Marriage Hall and the second respondent granted concurrence for the commercial building without taking note of the reality that the Plots A to F were earmarked for shops.

8. It is pertinent to note that while dismissing the writ petition, this Court observed that *".... we do not find that the petitioner has made any averment in the writ petition or has placed any document on record to show that the shop sites, where Kalyanamandapam has been constructed, is classified as primary residential area. The reviewed master plan, which has been placed on record, does not indicate that the place where Kalyanamandapam has been constructed is part of primary residential zone"*. In the order dated 12.12.2025, this Court further observed that *"it was for the petitioner to prove that the site is part of primary residential zone. Whether or not the site of the plot is primary residential zone or mixed residential zone has not been established by the petitioner"*.

9. As regards the width of the road, this Court, upon considering the statements of the respective learned counsel, came to the conclusion that if any of the statements is taken on record, it is more



than 9 metres which is prescribed under Rule 17 of the Rules.

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10. Since the petitioner has not established that the site is primary residential zone or mixed residential zone and the State also did not clarify the sub-division of the lands, taking into consideration the Government Order dated 24.7.1974, this Court held that it is permissible to operate a Marriage Hall. If really the petitioner is affected by such finding, the remedy lies elsewhere and review is not maintainable to assail the same. The power of review is different from appellate power.

11. As stated supra, in order to seek review, it has to be demonstrated that the order suffers from an apparent error as contemplated under Order 47, Rule 1 of CPC. A decision or order cannot be reviewed merely because it is erroneous. Review proceedings are not appellate proceedings and have to be strictly confined to the scope and ambit of Order 47, Rule 1 of CPC. Without assigning extra reasoning, the grievance ventilated by the petitioner in this review cannot be redressed. Even though the government order of 1974 is said to be superseded by the Rules of 2019, at the time of disposal of the writ petition, the same were very much available and



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there is no new material produced now to point out any apparent error.

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12. As an upshot of the above discussion and the pronouncements of the Apex Court, the review application fails and is hereby dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
25.03.2026

Index : Yes/No

Neutral Citation : Yes/No

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G.ARUL MURUGAN,J.

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