



Rev.Aplw.No.70 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev.Aplw. No.70 of 2026

Carborundum Universal Limited
No.655, Thiruvottiyur High Road
Thiruvottiyur, Chennai-600019
Registered Office at # 234,
NSC Bose Road, Chennai-600001
Represented by its Plant Manager
S.Ramesh.

.. Petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
2. The Health Officer
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
3. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Chennai - 600 008.



Rev.Aplw.No.70 of 2026

4. Hansa Court Apartment Owners Association
Rep. by its Secretary
Door No.64, Tiruvottiyur High Road
Tiruvottiyur, Chennai - 600 019.

.. Respondents

PRAYER: Application filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure to review the order dated 19.1.2026 passed in W.P.No.298 of 2026.

For Petitioner(s): Mr. S.Thanka Sivan

For Respondent(s): Mr.P.Dinesh Kumar
Standing Counsel
for R1 and R2

Mrs.P.Veena Suresh
Standing Counsel
for R3

ORDER

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

This review application is filed seeking review the order dated 19.1.2026 passed in W.P.No.298 of 2026.

2. For ready reference, the order dated 19.1.2026, which is sought to be reviewed is reproduced hereunder:

"This petition has been filed seeking direction to official respondents to take action on the representation of petitioner to remove the illegal



superstructures and constructions, as, private respondents, in the course of construction, has started digging a drainage encroaching upon the land of petitioner.

2. On petitioner's own saying, this is a case of personal interest. If petitioner is aggrieved by the action of fourth respondent in encroaching upon petitioner's land and digging any drainage upon his land, his remedy lies in filing suit and not writ petition.

3. With liberty, petition is dismissed. There shall be no order as to costs. Consequently, the interim application is also dismissed."

3. A bare perusal of the aforesaid order makes it clear that the fourth respondent started digging a drainage encroaching upon the land of the petitioner. Therefore, holding that this is a case of personal interest, the writ petition was dismissed directing the petitioner to file a suit.



WEB COPY

4. Even in the averments contained in the review application it is stated that *"the facts remain that the issue raised by the writ petitioner is the unauthorized and illegal construction by the 4th respondent in their property and letting in huge quantity of drainage and sewage inside petitioner's premises, which is causing serious health hazards to thousands of employees of the petitioner company."*

5. A review is not an appeal in disguise, and re-evaluation of facts or law to substitute one plausible view with another is outside the permissible scope. 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***

¹ 2025 INSC 1080



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 Tuleshwar Sharma v. Aribam Pishak Sharma, (1979) 4 SCC 389].

15.3 In exercise of the jurisdiction under Order 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 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].



Rev.Aplw.No.70 of 2026

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

[emphasis supplied]

6. 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 are not inclined to entertain this review application, as the error sought to be established by the petitioner can only be established by a long-drawn process of reasoning on points, where there may conceivably be two opinions.

For the foregoing reasons, the review application is dismissed.
There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
16.04.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



Rev.Aplw.No.70 of 2026

To:

WEB COPY

1. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
2. The Health Officer
Greater Chennai Corporation
Rippon Building
Chennai - 600 003.
3. The Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Chennai - 600 008.



WEB COPY



Rev.Aplw.No.70 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

Rev.Aplw. No.70 of 2026

16.04.2026