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Rev.Appl. No.111 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev. Appl. No.111 of 2026

Amrutanjan Ltd  
Rep by its Authorised Signatory  
42/45, Luz Church Road,  
Mylapore, Chennai - 600 004.

Petitioner (s)

Vs

1. The Commissioner  
HR and CE Department,  
Nungambakkam,  
Chennai - 600 034.
2. The Deputy Commissioner  
Executive Officer  
A/N4 Kapaleeswarar Temple  
Mylapore, Chennai-600 004.
3. The Secretary to Government  
of Tamil Nadu  
Hindu Religious and Charitable  
Endowments Department  
Fort St. George, Chennai.

Respondent(s)



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**PRAYER:** Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code to review the order dated 16.03.2026 in W.A.No.205 of 2026.

For Petitioner(s): Mr.Srinath Sridevan  
Senior Counsel  
for Mr. P.M.N.Bhagavath Krishnan

For Respondent(s): Mr.N.R.R.Arun Natarajan  
Special Government Pleader  
(HR and CE)

**ORDER**

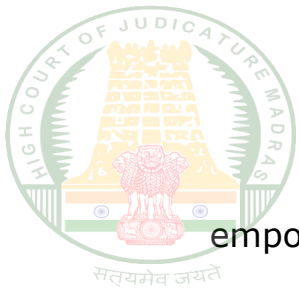
(Order of the Court was made by the Hon'ble Chief Justice)

This application has been filed to review the order dated 16.03.2026 in W.A.No.205 of 2026.

2. The challenge in the writ petition was to the constitutional validity of Section 34A(5) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The writ petition was dismissed and, on appeal, the view taken by the learned Single Judge was upheld by this court taking into consideration a decision of a Coordinate Bench of this court in *Arulmigu Anghala Parameswari and others v. The State of Tamil Nadu and others*<sup>1</sup>, which upheld the provision

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<sup>1</sup> (2009) 6 CTC 512



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empowering the authorities to insist on pre-deposit. This Court also recorded that the review petitioner is not even a tenant; that the review petitioner had been evicted; and that the second respondent has taken over possession of the lands.

3.1. Learned Senior Counsel for the review petitioner submitted that the issue as to whether or not the review petitioner was a tenant may not be determinative of the legality of the challenge raised by the review petitioner to the constitutional validity of the provision.

3.2. It is further submitted that the word “appeal” used in relation to the challenge made before the Commissioner under Section 34A(5) of the Act is a misnomer. It is not an appeal at all, but the first challenge of quasi-judicial nature for the determination by the Committee comprising *inter alia* of one of the disputants and, therefore, it is submitted that the appeal filed before the Commissioner ought to have been taken up and considered on merits, without reference to the pre-deposit under the proviso.

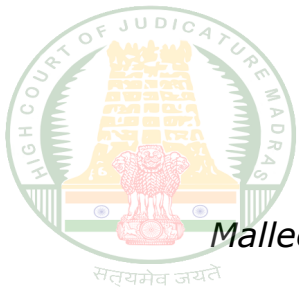


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3.3. It is also submitted that in respect of the properties of second respondent/temple, this Court vide order dated 23.6.2022 and 5.8.2022 in W.A.No.458 of 2022 had permitted the tenant of the adjacent property to negotiate and arrive at a settlement in respect of the fair rent fixation of that property and, therefore, leave be granted to the review petitioner to negotiate with the respondents to put a quietus to the entire issue.

4. Learned Special Government Pleader appearing on behalf of the respondents reiterated the reasons that weighed with the court while dismissing the appeal and submitted that none of the grounds enumerated in Order 47 Rule 1 of the Civil Procedure Code is applicable.

5. Before analyzing whether the grounds raised by the review 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*<sup>2</sup>, 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].

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<sup>2</sup> 2025 INSC 1080



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**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**



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***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***



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***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].

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

[emphasis supplied]

6. This Court, while dismissing the writ appeal, has observed thus:

"10. In the case on hand, the appellant is not even a tenant and it is recorded in the order passed by the learned Single Judge that the appellant had been evicted from the premises and the second respondent has taken over possession of the lands.



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*11 That apart, as noted in the order passed by the learned Single Judge, the appellant has been in occupation of 14 grounds and 910 sq.ft. by paying a paltry rent of Rs.1,400/- for more than a century. It is not the case of the appellant that before fixing fair rent no opportunity was afforded. The appellant, having participated in the proceedings, is now challenging the provision which empowers the authorities to insist on pre-deposit for entertaining the appeal.*

*12. As rightly observed by the learned Single Judge, if the plea of the appellant that the condition mandating pre-deposit is onerous is accepted, then the religious institutions, which heavily depend on such rental incomes, would not be able to maintain the properties and fulfill the religious duties.”*

7. The submission of learned Senior Counsel is that whether the review petitioner is a tenant or not is not the determinative factor. However, it was asserted by learned Special Government Pleader that the review petitioner is not a tenant and that the original lessee had assigned the lease rights to the review petitioner. That apart, the fact that the review petitioner had been



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evicted from the premises is also not in dispute. We, therefore, do not find any apparent error warranting exercise of review jurisdiction.

8. Furthermore, the constitutional validity of the provision which has been challenged in the writ petition has already been upheld by a Division Bench of this Court. The said fact was reiterated while dismissing the writ appeal and it was held that a decision delivered by an earlier Bench of co-equal strength is binding. Merely because in respect of some other property of the same temple, the tenant of the adjacent property was permitted to negotiate and arrive at a settlement qua fixation of fair rent, the review petitioner cannot seek the said relief by invoking review jurisdiction.

9. It is well settled that the power of review can be exercised for the correction of a mistake, but not to substitute a view. It is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors. In order to seek review, it has to be demonstrated that the order suffers from an apparent error as



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contemplated under Order 47, Rule 1 of CPC. 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 review petitioner cannot be redressed.

The review petition is, therefore, dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)  
30.04.2026

Index : Yes/No  
Neutral Citation : Yes/No

sasi

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