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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev.Appln. No.141 of 2026
CNR:{HCMA011543042026}

Case QR

S.Kumar
No.4, Kumara Koil Street,
Tiruvannamalai Post,
Tiruvannamalai - 606601.

Applicant(s)

Vs

1. The Secretary
   Hindu Religious and Charitable
   Endowments Department, Secretariat,
   Fort St. George, Chennai - 600 009.

2.The Commissioner
   Tamil Nadu Hindu Religious and
   Charitable Endowments Department,
   Nungambakkam, Chennai - 600 034.

3.The Joint Commissioner
   Arulmigu Arunachaleshwarar Temple,
   Tamil Nadu HR and CE,
   Tiruvannamalai - 606 601.

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4.The District Collector
District Collectorate,
Tiruvannamalai - 606 604.

Respondent(s)

PRAYER: Review Application under under Section 114 read with Order XLVII Rules 1 and 2 of the Civil Procedure Code to review the judgment in W.A.No.1328 of 2026, dated 16.06.2026 passed by this court.

For Applicant(s): Mr.V.Raghvachari,
Senior Counsel
for Mrs.Srimathi V.

For Respondent(s): Mr.K.Surendar,
Special Government Pleader (HR & CE)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This review application is filed to reconsider and set aside the judgment passed by this Court on 16.06.2026 in W.A.No.1328 of 2026, whereby the order of the learned Single Judge dated 07.01.2026 in W.P.No.50593 of 2025 was affirmed. The learned Single Judge had allowed the applicant and three accompanying persons to attend the *Arthajama Paal Abishegam* ritual at the Arulmigu Arunachaleswarar Temple on any one normal day of his

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choice, excluding festival days, rather than granting him daily or twice-weekly access.

2.1. Learned Senior Counsel appearing for the review applicant submitted that the impugned order suffers from errors apparent on the face of the record. He contended that the applicant is the sole *Ubayadarar* (donor) for the *Arthajama Kattalai*. He, therefore, contended that the Court erred in accepting the respondents' claim that there are about 150 donors and that accommodating everyone would create logistical issues. He urged that the Court failed to direct the authorities to verify the exact number of donors for this specific pooja.

2.2. Learned Senior Counsel also argued that the applicant had only requested access two days a week, and restricting this right prejudices him. He added that a *kattalai* is a special religious endowment. According to him, the department is meant only to manage secular affairs and has no authority to interfere with settled religious customs (*sampradaya*) or dictate how a donor performs his pooja.

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3. Per contra, learned counsel appearing for the respondents submitted that all these points were already argued and considered when the writ appeal was decided. He contended that the applicant is merely trying to re-argue the appeal under the guise of a review.

4. We have heard the learned counsel for both sides and perused the documents on record.

5. Before examining the grounds raised by the applicant, it is necessary to look at the scope of our review power under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908. The Supreme Court recently restated these limits in *Malleeswari v. K. Suguna and another*[1], as under:

> *"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***

[1] *2025 INSC 1080*

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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 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.

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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

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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].*

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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 Poulose Athanasius, AIR (1954) SC 526].

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

[emphasis supplied]

6. Applying these settled rules to the present case, we find that none of the grounds raised by the applicant fall within the narrow scope of a review.

7. A review is meant only to fix an obvious, patent mistake that is clear on the face of the record. It cannot be used to re-argue a case on its merits or ask the Court to take a different view. In the judgment dated 16.06.2026, we specifically examined the applicant's status as a donor and balanced his right to worship against the temple's need to manage crowds and administer rituals fairly. We clearly noted that granting frequent or unrestricted access

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to one donor would create an unmanageable precedent and disrupt worship for the general public.

8. Furthermore, we have explicitly held in paragraph 10 of the impugned judgment that if the applicant is of the view that his civil rights under a specific donation agreement have been violated, his proper remedy lies before a civil court, not in writ jurisdiction.

9. Similarly, the factual dispute over whether there is one donor or 150 donors for the *Arthajama* pooja is not something that can be established without a long-drawn process of reasoning, which is impermissible in a review.

10. The applicant has not shown any discovery of new evidence that was unavailable earlier, nor has he pointed out any grave, palpable error in our reasoning. What is sought here is a complete rehearing of the writ appeal, which is strictly barred by law.

We find no merit in this review application. Accordingly, the

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review application is dismissed. There shall be no order as to costs.

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

23.11.2026

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

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