

Rev.Aplw.No.90 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

Rev. Aplw.No.90 of 2026
against W.P.No.31778 of 2025

1.S.Samraj
S/o.Shanmugam,
21/4 New Street, Athikuttai,
Mallur(PO), Salem-636 203.

2.A.Podhumani
D/o.Arumugam,
4/21 New Street, Athikuttai,
Mallur(PO), Salem-636 203

Review Applicants

Vs

1.Sathish Sundar
S/o.Periyannan,
33/9,Sekkarar Street, Mallur,
Salem District-636 203

2.The Director of Municipal Administration
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-600 028



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3.The Chairperson/The District Collector
District Monitoring Committee for
identifying and evicting encroachments
in Water Bodies and other Govt. Lands,
District Collectorate, Salem-636 001

4.The Chairperson/
The Revenue Divisional Officer
District Monitoring Committee for
identifying and evicting encroachments
in Water Bodies and other Govt. Lands,
Revenue Divisional Office,
Jahir Ammapalayam Road,
Suramangalam (PO), Salem-636 005

5.The Assistant Director
(Town Panchayat)
District Collectorate, Salem-636 001

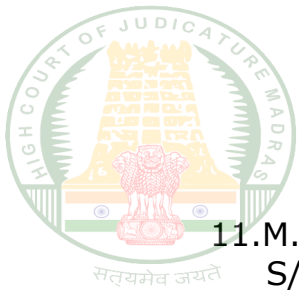
6.The Tahsildar
Salem Taluk Office, Salem-636 007

7.The Executive Officer
Mallur Town Panchayat, Mallur(PO),
Salem-636 203

8.R.Venkatesh
S/o.Raja,
4-18a, New Street, Athikuttai,
Mallur(PO), Salem-636 203

9.Munusamy
S/o.Kumar,
4-1 New Street, Athikuttai,
Mallur(PO), Salem-636 203

10.M.Raman
S/o.Manickam,
4/14 New Street, Athikuttai,
Mallur(PO), Salem-636 203



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11.M.Rajendiran
S/o.Marimuthu,
4/13, New Street, Athikuttai,
Mallur(PO), Salem-636 203

12.P.Priya
W/o.Balakrishnan,
1/91, Street, Athikuttai,
Mallur(PO), Salem-636 203

13.R.Azhagar
S/o.Raju,
1/30 Athikuttai,
Mallur(PO), Salem-636 203

14.Nandhagopal
S/o.Duraisamy,
1/24a, Athikuttai,
Mallur(PO), Salem-636 203

Respondents

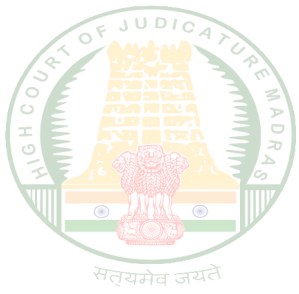
PRAYER : Review Application filed under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 04.11.2025 passed in W.P.No.31778 of 2025.

For Petitioner: Mr.P.Vijendran

ORDER

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

The applicants herein, who are respondents 7 and 11 in the writ petition, have filed this review application to review the order dated 4.11.2025 passed in W.P.No.31778 of 2025.



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2.1. Learned counsel for the applicants submitted that the first respondent/writ petitioner had obtained the order without any personal knowledge of the facts and without submitting substantial documents. The applicants are residing in the subject-land for more than 40 years and they were covered and protected by adverse possession. The Village Administrative Officer of Mallur had conducted an inspection of the subject-land and reported that the applicants and other similarly situated persons are eligible for issuance of patta for the said land. Based on the said report, the Revenue Divisional Officer and the District Collector have approved and recommended for issuing patta to the applicants in the year 2013 itself and that the officials have fixed the land value as Rs.105/- per square feet.

2.2. Learned counsel for the applicants further submitted that the issuance of show cause notices to the applicants is not only hit by the doctrine of estoppel, but also hit by Articles 14 and 21 of the Constitution of India. The official respondents ought to have verified the ground reality and followed the rule of law. The provisions of the Tamil Nadu Survey and Boundaries Act, 1923 were not followed in this case and that the action of the official respondents ultimately creates



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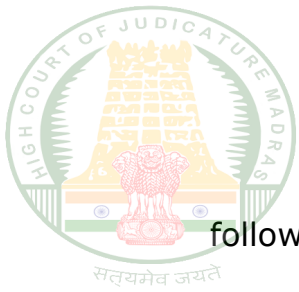
social unrest in the locality.

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2.3. Learned counsel for the applicants urged that the writ petitioner had impleaded only some selected persons as respondents in the writ petition, but not all. Further, before passing the order in the writ petition, no notice was issued to the applicants, nor opportunity was granted to them to put forth their claim. Thus, the order dated 4.11.2025 is hit by the doctrine of *audi alteram partem*. Before passing the order, this Court directed the official respondents to file a status report and the official respondents while filing the status report had mala fide not disclosed about the recommendations made by the authorities for issue of grant of patta in favour of the applicants. Therefore, the order dated 4.11.2025 warrants review.

3. Before analyzing whether the grounds raised by the applicants 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

¹ 2025 INSC 1080



following terms:

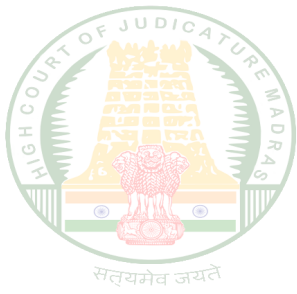
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*"15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. 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 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected.



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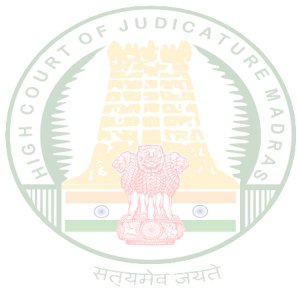
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A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715].

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



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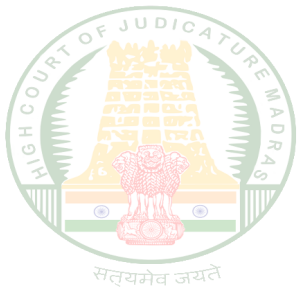
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correcting such errors. At both the above stages, detailed reasoning is not warranted.

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].

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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 Poulouse Athanasius, AIR (1954) SC 526].

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

[emphasis supplied]

4. Though we have heard the submissions of learned counsel for the applicants 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.

5. According to the applicants, when all the formalities for issuance of patta to the applicants and other similarly situated persons



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qua the subject-land was completed, the writ petitioner has filed the writ petition for removal of the encroachments allegedly made by the encroachers and to restore the waterbody back to the original natural and extent. Further plea of the applicants is that, before passing the order in the writ petition, no notice was issued and the principle of natural justice has been violated.

6. It is the contention of learned counsel for the applicants that once it is conceded that notice was not served on one of the respondents in the writ petition, the order has to be necessarily recalled. In support, learned counsel for the petitioner has relied upon the judgment of a Division Bench of this Court in the case of *B.Vivekanandan v. J.Janorious Fausta and others*².

7. We have gone through the judgment. In the judgment of *B.Vivekanandan* (supra) relied upon by learned counsel for the applicants, it has been held that once it is conceded that notice was not served on one of the respondents, the order, which reverses the order of the writ court has to be necessarily re-called. In the instant case, on 28.8.2025, when the matter was taken up for admission,

²2023 (2) CTC 682



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learned State counsel accepted notice for the official respondents and this Court granted time to file a status report. On 4.11.2025, when the matter was taken up, the official respondents have placed on record the status report and based on the status report, the Court disposed of the writ petition. The order dated 4.11.2025 reads thus:

"On the allegations made in the petition that the private respondents have encroached upon water body, the status report submitted by the State shows that survey was conducted and the private respondents, except respondent Nos.12, 13 and 14, have been found to be encroachers, besides many other encroachers, and notice has been issued to them initiating the process for eviction.

2. In view of the affidavit filed by the official respondents and the survey conducted by them, we are of the view that we need not keep this petition pending, but dispose it of with a direction to the official respondents to ensure that proceedings for eviction, which have been initiated against the encroachers, is brought to its logical conclusion, one way or other, within an outer limit of four months, after affording opportunity of hearing.

There shall be no order as to costs."

8. On a reading of the said order, we find that, this Court, while disposing of the writ petition, had not passed any adverse order



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against the applicants, who are respondents 7 and 11 in the writ petition. The order only directs the official respondents to ensure that proceedings for eviction, which have been initiated against the encroachers, is brought to its logical conclusion, one way or the other, within the outer limit of four months. If the applicants are prejudiced by any of the proceedings initiated against them based on the order dated 4.11.2025 passed by this Court, it is for them to assail the proceedings in accordance with law. However, as on date, no patta has been issued in favour of the applicants, nor the same is placed on record.

9. 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. It is reiterated that no adverse order has been passed against the applicants in the order dated 4.11.2025. At the time of disposal of the writ petition, this Court, after recording of the status report, issued a direction to the official respondents to ensure that proceedings for



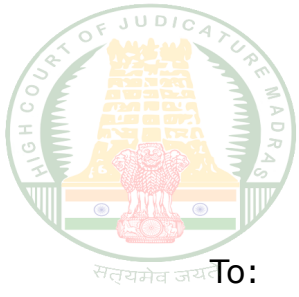
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eviction, which have been initiated against the encroachers, be brought to its logical conclusion, one way or the other, within the stipulated time. Further, there is no new material produced now to point out any apparent error.

For the foregoing 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)
10.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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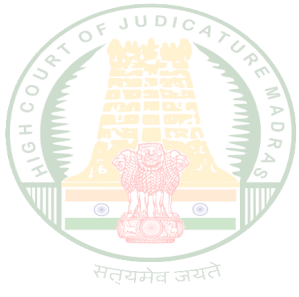


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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(bbr/sasi)

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