

REV. APLC. (MD)No.66 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

REV. APLC. (MD)No.66 of 2019

and

C.M.P(MD)No.2449 of 2019

1.The Settlement Officer,
Office Of The Commissioner And Director Of Survey And Settlement
Chepauk
Chennai.

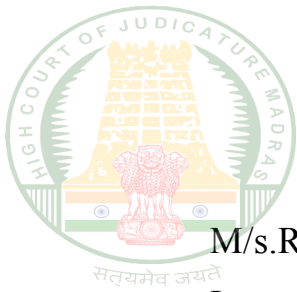
2. The Assistant Settlement Office (North)
Office of the Survey & Settlement
Chepauk,
Chennai.

3.The State of Tamil Nadu
rep. by its District Collector
Trichy.

4.The Tahsildar
Manachanallur Taluk
Tiruchirappalli District.

... Review Applicants/Petitioners

Vs.



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M/s.Rahmathula Sha Mosque Durga,

Inam Samayapuram,

Manachanallur Taluk,

Rep. by its Trustee/Muthavalli Syed Jeelani

Rep. Through his P.A.Holder Mr.Syed Asmath Batcha.

... Respondent/ Respondent

PRAYER : The Review Applications filed under Order 47 Rule 1 and 2 of the Civil Procedure Code r/w.Section 114 of Civil Procedure Code, against the Order dated 23.08.2018 passed in S.T.A.(MD)No.1 of 2017 on the file of this Court.

For Review Applicants : Mr.Veera Kathiravan,
Additional Advocate General
assisted by Mr.D.Ghandiraj,
Special Government Pleader

For Respondent : M/s.P.Malini

ORDER

(Order of this Court was made by **G.K.ILANTHIRAIYAN, J.**)

This review application has been filed to review the order passed by this Court in S.T.A.(MD)No.1 of 2017 dated 23.08.2018,

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dismissing the appeal filed by the applicants herein and confirming the order passed by the Tribunal in Inam C.M.A.No.3 of 2011 on the file of the Principal Subordinate Court, Tiruchirappalli.

2. The review applicants originally challenged the judgment and decree passed by the Tribunal in Inam C.M.A.No.3 of 2011 which was decreed in favour of the respondent by reversing the order dated 20.07.2011 in S.R.No.E1/9/2010 passed by the Settlement Officer, Chennai.

3. Pending the appeal, the applicants filed three applications viz., C.M.P.(MD)No.1938 of 2018 to implead the 2nd respondent and C.M.P.(MD)No.1939 of 2018 to receive additional documents and C.M.P.(MD)No.1744 of 2018 to amend the ground No.2. All the applications were rejected by this Court. In particular, the application in C.M.P.(MD)No.1939 of 2018 which was filed to receive additional documents, was also dismissed by this Court only on the ground that the applicants failed to file copy of any of the documents which were sought to be added as additional documents before this Court.



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4. The learned Additional Advocate General appearing for

the review applicants vehemently contended that along with application, all the documents were produced before this Court and even then, this Court failed to notice the same and dismissed the applications only on the ground that copies of those documents were not produced before this Court. If those documents were considered by this Court, the appeal filed by the applicants would not have been dismissed confirming the order passed by the Tribunal.

5. Per contra, the learned counsel appearing for the respondent submits that all the grounds raised by the applicants can be considered only by way of an appeal. There is absolutely no error apparent on the face of the record and as such, the review application itself is not maintainable. She further submits that the judgment and decree arose under the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and it does not permit to file an review application, since Civil Procedure Code is not applicable to the said Act and as such, the review itself is not maintainable.

7. Heard the learned counsel on either side and perused the



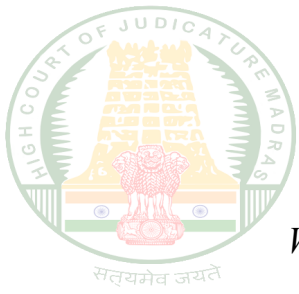
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materials available on record.

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8. Perusal of records reveals that the review applicants filed an application in CMP(MD)No.1939 of 2018 to receive additional documents in this appeal. The documents are as follows :

- i. 20-09-1935 – *Village Map for Samayapuram Village – Special Revenue Officer – Certified Copy.*
- ii. 31-12-1968 – *Settlement Land Register of Samayapuram Village during Inam Settlement – Sub Assistant Director of Survey and Land Records – Certified Copy.*
- iii. 26-02-1970 – *Proceedings of the Settlement Tahsildar, Thiruchirappalli vide Act 26/63/Lal TK/518 to 528, 530 to 542, 544/1950 – Certified Copy.*
- iv. 05-09-1970 – *3A Register for Samayapuram Village – Special Officer – Certified Copy.*
- v. 06-09-1972 – *Statistical Data (Village Accounts) for Samayapuram Village – Certified Copy.*
- vi. 29-05-1985 – *Public Works Department Descriptive Memoir – Superintending Engineer, Public*



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Works Department – Certified Copy.

vii. 1989 – Settlement Register for Samayapuram

Village during UDR Scheme – Certified Copy.

viii.27-02-2007 – Application submitted by Mr.Syed

Jeelani Trustee/Muthavali of M/s.Rahmathula Sha Mosque

Durga seeking patta – Certified Copy.

ix. 12-02-2010 – Order passed in W.P.No.18641 of

2009 Madras High Court – Certified Copy.

x. Enquiry notices dated 03-05-2010, 16-06-2010,

16-07-2010, 29-07-2010, 19-11-2010, 07-12-2010,

29-12-2010, 28-01-2011, 21-04-2011, 24-05-2011 issued by

the Settlement Officer – Certified Copy.

xi. Reply letters dated 03-05-2010, 11-06-2010,

26-07-2010, 26-08-2010, 07-12-2010, 24-01-2011,

19-01-2011, 21-03-2011, 18-04-2011 written by Syed

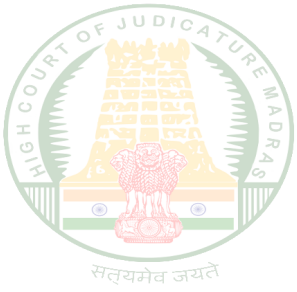
Jeelani Trustee/Muthavali of M/s.Rahmathula Sha Mosque

Durga – Certified Copy.

xii. 18-07-2011 – Letter written by Syed Jeelani

Trustee/Muthavali of M/s.Rahmathula Sha Mosque Durga

to the Settlement Officer – Certified Copy.



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xiii.08-08-2009 – Proceedings in RC.B.927/2009 of

WEB COPY *the District Collector, Thiruchirappalli granting license in*

Samayapuram Eri – Certified Copy.

9. Further perusal of all the records reveals that along with the applications, the applicants filed separate typed sets annexing all those documents before this Court. However, this Court failed to notice the same and recorded that the applicants did not produce any of the documents which were sought to be received as additional documents in the appeal. Even assuming that the applicants failed to produce those documents before this Court, it is the duty of this Court to ask for those documents and sufficient opportunity to be given to the applicants to produce the same before this Court. However, this Court also did not give any opportunity to produce those documents while deciding the main appeal. Therefore, it is nothing but an error apparent on the face of record and the order passed by this Court can be reviewed.

10. Though the learned counsel appearing for the respondent relied upon several judgments of the Hon'ble Supreme Court of India and this Court for maintainability of review application, those judgments are



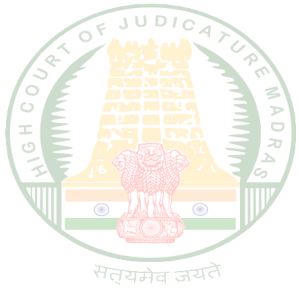
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not applicable to the case on hand, since this Court found the error apparent on the face of the record.

11. On this limited ground, this Court is inclined to review the order passed by this Court in S.T.A.(MD)No.1 of 2017 dated 23.08.2018.

12. Accordingly, the order passed in S.T.A.(MD)No.1 of 2017 dated 23.08.2018 is set aside. On perusal of records, it is seen that before the Tribunal, either the applicants or the respondent did not produce any documents in order to substantiate their respective claim.

13. In view of the above, the order passed in Inam CMA. No.3 of 2011 on the file of Principal Subordinate Court, Trichirappalli, is set aside and the matter is remitted to the Tribunal for fresh disposal but giving opportunity to both the parties for producing relevant documents and evidence on either side. Further, the Tribunal is directed to dispose the Civil Miscellaneous Appeal within a period of six months from the date of receipt of a copy of this order.



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14. Registry is directed to return all the original documents

and back papers to the Tribunal forthwith.

15. With the above directions, this Review Application is

allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.K.I., J.) & (R.P., J.)
21.01.2026

Index : Yes / No

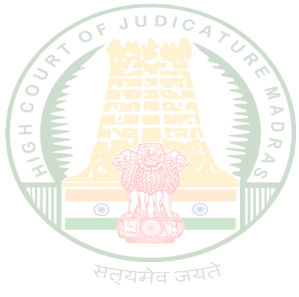
NCC : Yes / No

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To

1.The Principal Subordinate Court,
Tiruchirappalli.

2.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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AND
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