

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 25 of 2015

1. Shri Balram Krishi (Utpad Ewam Vipanan) Cooperative Society Ltd. (SABCO), Durg (C.G.) A Registered Society Bearing No. 101/2011, Through Its Chairman Pritpal Belchandan S/O Late Budhar Belchandan, aged about 55 years, R/O Santrabadi, Durg, Police Station- Mohan Nagar, Civil & Revenue Distt.- Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through- Secretary, Department Of Revenue, Mahanadi Bhavan, New Mantralaya, New Raipur, Distt.- Raipur, Chhattisgarh
2. The Commissioner Durg Division, District, Durg, Chhattisgarh
3. The Collector Durg, District, Durg, Chhattisgarh

---- Respondent

{Application for review of order dated 18-2-2015 passed in
WP (227) No.783/2014}

(By circulation in Chamber)

Single Bench : Hon'ble Shri Prashant Kumar Mishra, J.

ORDER

08/04/2015

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
2. The review petitioner (*for short "the petitioner"*) seeks review of the order dated 18-2-2015 passed by this Court in WP (227) No.783/2014 with further clarification to the effect that what will be the proper forum

and who can take decision in relation to the property recorded in the name of deity.

3. On perusal of the order dated 18-2-2015 passed by this Court in WP (227) No.783 of 2014, which is sought to be reviewed herein, it is apparent that this Court after appreciating all the facts and circumstances of the case in its true perspective has passed the order in presence of the learned counsel for both the parties.
4. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner.
5. It is well settled principle of law that 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 the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution, the petitioner has not produced any ground for review.
6. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.

7. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See : *Meera Bhanjan v. Smt. Nirmal Kumar Cohwdhary*¹, *Lily Thomas etc. v. Union of India and others*², *Ajit Kumar Rath v. State of Orissa and others*³, *Government of T.N. & Others v. M. Ananchu Asari and others*⁴, and *Kerla State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. and others*⁵).
8. In view of the foregoing, the review petition is dismissed.

JUDGE

Gowri

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 (2005) 2 SCC 332
5 (2005) 6 SCC 651