

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 17 of 2015**

Uttara Kumar Yadav age 40 years S/o Shri Netram Yadav, R/o village/Post Sambalpur, Tehsil Nawagarh, District Durg, Now Bemetara, Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Panchayat Social Welfare, DKS Bhawan, Mantralaya (Now Mahanadi Bhawan, Naya Raipur) District Raipur, Chhattisgarh.
2. Collector, Durg (Now Bemetara) District Bemetara, Chhattisgarh.
3. Janpad Panchayat Nawagarh, Through the Chief Executive Officer, District Durg (Now Bemetara) Chhattisgarh.

---- Respondents

For Applicant	:	Shri Dinesh R.K.Tiwari, Advocate.
For Respondent No. 1 & 2	:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondent No. 3	:	Shri Pawan Shrivastava, Advocate.

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Acting Chief Justice****25/03/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 10 days in filing the review application. Considering the duration, delay is condoned.
2. The present review application arises from order dated 19.1.2015 dismissing Writ Appeal No. 11 of 2015.
3. Learned Counsel for the Petitioner submits that the Collector, whose order was challenged in the writ application affirmed in the appeal, had no jurisdiction to entertain the revision and re-appreciate the evidence. The error of law being apparent on the face, the review application would lie.

4. Rule 5 of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 vests *suo motu* power of revision in the Collector also. The order in the writ appeal, review of which is sought is reasoned and speaking in nature.

5. A review application is not an appeal in disguise. The review jurisdiction is available only for errors apparent on the face of the record. No such infirmity has been drawn to our attention. The review application from page 3 to page 23 is an extract of a judgment of the Supreme Court with regard to the revisional jurisdiction under the Haryana Urban (Control of Rent and Eviction) Act, 1973.

6. Reliance of the Petitioner on (2014) 7 SCC 663 (Usha Bharti v. State of Uttar Pradesh) that if there was a mistake on the part of the Court, it would call for a review, is completely misconceived and has no application in the facts of the case as it is not the case of the Petitioner in his pleadings that he had argued the matter with regard to the nature of jurisdiction exercised by the Collector and it has not been considered. We have gone through the pleadings in the writ appeal also. We do not find that any such ground was taken.

7. We find no merit in this review application. It is dismissed.

Sd/-
(Navin Sinha)
ACTING CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE