

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 45 of 2015

1. M/s Shrijan Builders, (Registered Partnership), Through : Its Partner Ashok Kumar Agrawal, S/o Shri R.B. Agrawal, aged about 49 years, R/o Sarvamangla Bhawan, Niharika Road, Korba - 495677, Chhattisgarh
2. M/s H.M. Builders And Developers, (A Registered Partnership Firm), Through Partner Harish Parsai, S/o Late Shri B.L. Parsai, aged about 54 years, 3-Indira Commercial Complex, Transport Nagar, Korba- 495677 Civil & Revenue District- Korba, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Principal Secretary, Revenue Department, Govt. Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, 492001, Tahsil & District- Raipur, Chhattisgarh
2. Smt. Suhag Bhediya District Registrar, Tahsil Road, Near Tahsil Office, Korba- 495677, Tahsil & District- Korba, Chhattisgarh
3. Smt. Kiran Khalkho Sub-Registrar, Katghora- 495445, Tahsil Katghora, District - Korba, Chhattisgarh

---- Respondents

(Application for review of the order dated 01.05.2015 passed in WP(C)
No.2104/2014

(By circulation in chamber)

S.B. :Hon'ble Mr. Justice Prashant Kumar Mishra

04/08/2015

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 petitioners seek review of the order dated 01.05.2015 passed in WP(C) No.2104/2014 contending that the review is not based on the pleadings that the second and all subsequent sellers of the land situated in scheduled area need statutory permission from the Collector in spite of the fact that permission has already been granted by the Collector for the first sale by a non tribal colonizer. In the review petition, no legally permissible ground has been raised by the review petitioners.
3. On going through the order dated 01.05.2015, it is manifest that this Court after hearing learned counsel appearing for both the parties and after appreciating the relevant provisions passed the order.
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. It is well settled principles 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.
5. 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 Chowdhary, AIR 1995 SC 455, Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicism & Hydropower Ltd. and others, (2005) 6 SCC 651.

6. As a sequel, the review petition, *sans substratum*, is liable to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Gowri