

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 76 of 2015

- Ashish Kumar Sahu S/o Ramshankar Sahu Aged About 24 Years Working On The Post Of Forest Guard, At Forest Range Ramanuj Nagar, Forest Division Surajpur, District Surajpur, Permanent Resident Of Bhailyathan Road, Mishra Gali, Surajpur, Post Office And P.S. Surajpur, District- Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, Post Office Rakhi, District- Raipur, Chhattisgarh
2. The Chief Conservator Of Forest, Raipur, District - Raipur, Chhattisgarh
3. The Conservator Of Forest, Surguja Circle Ambikapur, District- Surguja, Chhattisgarh
4. The Divisional Forest Officer, Surajpur Forest Division, District Surajpur, Chhattisgarh
5. The Additional Director Of Police, (Confidential), Civil Line Raipur, District- Raipur, Chhattisgarh
6. The Superintendent Of Police, Surajpur, District- Surajpur, Chhattisgarh

---- Respondents

(Application for review of the order dated 08.04.2015 passed in W.P. (S)
No.1182 of 2015

(By circulation in chamber)

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

15/09/2015

IA No.01

1. This is an application for condonation of delay in filing the review petition.
2. For the reasons mentioned in the application (IA No.1), the same is allowed and the delay of 346 days in filing the review petition is condoned.
3. 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.
4. The review petitioner (writ petitioner) seeks review of the order dated 08.04.2015 passed in WPS No.1182/2015 merely on the ground that due to inadvertence, the petitioner could not file the circular dated 20.12.2007, wherein there is a specific provision to prefer an appeal before the State Government. According to the review petitioner without following the said remedy, he has straightaway approached this Court by filing the writ petition.
5. On going through the order dated 08.04.2015 passed in WPS No.1182/2015, it is manifest that after hearing the learned counsel for both the parties and after considering all the aspects of the matter in its true perspective, this Court has passed the order, which is sought to be reviewed herein. During the course of argument also, learned counsel for the petitioner has not pointed out about the circular dated 20.12.2007.
6. 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.

7. 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.

8. 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.

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

Sd/-
Judge

(Prashant Kumar Mishra)