

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVIEW PETITION No. 122 of 2015

1. Kanhaiyalal Goyan S/o Bhaiyalal Goyan, R/o Sara, P. O. Mansukh, P. S. City Kotwali, Baikunthpur, Civil & Revenue Distt. Korea, Chhattisgarh(Respondent No.4)
2. Chandra Vijay Sahu S/o Ram Baran, R/o Devadad, Tahsil Khadgavan, P. S. City Khadgavan, Civil & Revenue Distt. Korea, Chhattisgarh(Respondent No.5)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mantralaya, Mahanadi Bhawan, New Raipur, P. S. Rakhi, Distt. Raipur, Chhattisgarh(Respondent No.1)
2. Collector, Korea, P. S. City Kotwali, Baikunthpur, Civil & Revenue Distt. Korea, Chhattisgarh(Respondent No.2)
3. Superintendent Land Records Baikunthpur, P. S. City Kotwali, Baikunthpur, Civil & Revenue Distt. Korea, Chhattisgarh (Respondent No.3)
4. Bharat Kumar S/o Heeralal, Aged About 35 Years R/o Village Khutrapara, P. O. Patrapali, P. S. Baikunthpur, Civil & Revenue Distt. Korea, Chhattisgarh(Petitioner)
5. Awadhesh Kumar Kushwaha S/o Motichand Kushwaha, R/o Patna, Tahsil Baikunthpur, P. S. Patna, Civil & Revenue Distt. Korea, Chhattisgarh(Respondent No.6)

---- Respondent

(Application for review of the order dated 17/8/2015 passed in WP(C) No.2229 of 2013)

(By circulation in Chamber)

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

8/12/2015

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 (respondents 4 & 5 of the writ petition) seek review of the order dated 17/08/2015 passed in WP(S) No.2229 of 2013 (Bharat Kumar vs. State of Chhattigarh and others) contending that the writ petitioner did not make any pleading that the retotalling/revaluation was conducted without permission of the competent authority. They contended that they were never given any opportunity to explain the alleged complaint, if any of the writ petitioner that his answer sheet alone was sought to be reviewed/retotalled at the behest of any complaint or otherwise. According to the review petitioners, they have been trained as Patwaris and have also been formally posted and they would next contend that they may lose their job without any fault and shall suffer irreparably. In the review petition, no legally permissible ground has been raised by the review petitioners.

(3) On going through the order dated 17/8/2015, which is sought to be reviewed herein, it is manifest that after hearing learned counsel for the parties at length and after appreciating the facts' situation of the case and placing reliance upon various decisions of the Supreme Court, this Court has passed the order in detail.

(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) Be that as it may, this Court has not decided the writ petition on merits, therefore, there is nothing to be reviewed in the matter.

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

Sd/-

Judge

(Prashant Kumar Mishra)