

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.134 of 2015**

1. Inderchand Dhariwal, son of Late Uttamchand Dhariwal, aged about 69 years, R/o 11/2, Sadar Bazar, Raipur, P.S. City Kotwali, District Raipur, Chhattisgarh
2. Smt. Pushpa Surana, wife of late Deepak Surana, aged about 54 years, R/o Shankar Nagar, Raipur, District Raipur, Chhattisgarh
3. Smt. Garima Nahar, D/o Late Deepak Surana, aged about 29 years, R/o Shankar Nagar, Raipur, District Raipur, Chhattisgarh

---- Petitioners**versus**

1. State of M.P. (Now State of Chhattisgarh) through the Secretary, Department of Housing and Environment, Mantralaya, Mahanadi Bhawan, Capital Complex, Naya Raipur, District Raipur, Chhattisgarh
2. The Raipur Development Authority, a body incorporated under Section 39 of Nagar Tatha Gram Nivesh Adhiniyam, having its office at G.E. Road, Raipur, Chhattisgarh

---- Respondents

For Petitioners : Shri Rajeev Shrivastava, Advocate
 For Respondent No.1/State : Shri B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****20/11/2015**

1. I.A. No.1 of 2015 has been filed to condone delay of 158 days in filing of the review application. Having heard Learned Counsel for the parties and considering the Special Leave Petition filed earlier permitted to be withdrawn with liberty to approach this Court, the delay in filing the review application is condoned.
2. The present application has been filed for review of order dated 10.4.2015 dismissing Writ Appeal No.218 of 2015 *inter alia* on the ground that the earlier writ application having been unconditionally withdrawn without any liberty.

3. Learned Counsel for the Petitioners submits that against the order, the Petitioners had preferred Special Leave Petition (Civil) No.24991 of 2015 which was permitted to be withdrawn on 14.9.2015 with liberty to approach this Court. The Special Leave Petition having been dismissed in *limine* with liberty does not bar the jurisdiction of the Court to review the order notwithstanding withdrawal of the Special Leave Petition. It was next submitted on merits that inadvertently it could not be brought to the attention of the Court adequately that in the earlier writ application which was held to have been withdrawn unconditionally, an application seeking leave to withdraw with liberty to move afresh had been filed.

4. We have considered the submissions.

5. Even if what is contended on behalf of the Petitioners be accepted for consideration, no different conclusion can be reached ultimately. If an application had been filed for withdrawal, it was either not pressed or the Court was not inclined to grant any liberty. No third conclusion is possible. Apart from the above, no other ground has been urged before us.

6. The review application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE