

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 136 of 2015

1. State Of Chhattisgarh, Through The Chief Secretary, Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. The Sub Divisional Engineer, Public Works Department (B/R), Sub Division No.2, Rajnandgaon District Rajnandgaon, Chhattisgarh.

---- Petitioners

Versus

- Smt. Punai Bai W/o Late Chaitram Marar, Aged About 58 Years R/o Village Amlidih, Post Rudgaon, Tahsil Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Petitioner/State

Shri B Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Justice P.Sam Koshy

Order On Board

04/12/2015

IA No.1 of 2015, application for condonation of delay in filing the review petition is allowed and accordingly delay is condoned.

1. The present review petition has been filed seeking review of order dated 31.03.2015 passed in Writ Petition (S) No. 5903 of 2014.
2. It is pertinent to note that this court while disposing of Writ Petition (S) No. 5903 of 2014 on 31.03.2014 took note of decision dated 26.02.2015 passed by the Division Bench of this court in Writ Appeal No.1073 of 2012. Subsequently, the State had filed a review petition before the Division Bench against the order passed in Writ Appeal No.1073 of 2012. It is fairly admitted by the State that review petition filed against Writ Appeal No.1073 of 2012 has been dismissed.

3. In view of the fact that review petition before the Division Bench having been dismissed, the main ground for recalling of order dated 31.03.2015 passed in Writ Petition (S) No. 5903 of 2014 does not have any further merit. Even otherwise, the ground of challenge raised by the Petitioners in the instant review petition are beyond the scope and ambit of review jurisdiction of this court.
4. The review petitioners, in the course of review application, are trying to re-hearing of the entire matter based on certain documents/circulars/orders etc. which were either not produced or were not relied upon at the time of hearing of original writ petition itself. It is well settled law that fresh grounds and plea cannot be permitted to be raised in the course of review jurisdiction. Moreover, a perusal of order passed in writ petition would reflect that it has been passed with due appreciation and consideration of facts by the State counsel and as such it cannot be said that there was any error apparent on the face of record. Review jurisdiction is not an Appeal in disguise. It does not permit re-hearing of matter on merits.
5. Re-appreciation of the facts of the case and passing of fresh order by exercising the review petition is not permissible under law. 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. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. The jurisdiction under review does not permit an erroneous decision to be reheard and corrected. The mistake apparent on record means that the mistake which is self evident, needs no search and satres at its face.
6. Principle of law to entertain review petition is well settled in catena of decisions one of latest being 2012(7)SCC 200 (Haryana State Industrial Development

Corporation Limited vs. Mawasi and Others). Similar view has also been taken by the Supreme Court in cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*¹, *Lily Thomas, etc. vs. Union of India and others*², *Ajit Kumar Rath vs. State of Orissa and others*³, *Government of T.N. and others vs. M. Ananchu Asari and others*⁴ and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*⁵.

7. Thus, applying the above well settled principles of law to the facts of the present case, there is no ground available for review of the order dated 31.03.2015. Under the garb of the review petition, the petitioners seek an opportunity to argue the entire case afresh which would amount to converting the review petition into an appeal and the same is not sustainable in law.

8. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE

inder

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 2005 (2) SCC 332
5 2005 (6) SCC 651