

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 128 of 2016

1. State Of Chhattisgarh, Through The Chief Secretary, Government Of Chhattisgarh, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh (Now Mahanadi Bhawan, Naya Raipur, Chhattisgarh)
2. The Secretary, Home Department, Chhattisgarh Government, D.K.S. Bhawan, Raipur, Chhattisgarh (Now Mahanadi Bhawan, Naya Raipur, Chhattisgarh)
3. The Secretary, Relief And Rehabilitation, D.K.S. Bhawan, Raipur, Chhattisgarh (Now Mahanadi Bhawan, Naya Raipur, Chhattisgarh)
4. The Collector And Distt. Magistrate, Surguja At Ambikapur, Chhattisgarh
5. The Superintendent Of Police, Police Distt. Balrampur Distt. Surguja, Chhattisgarh (Now District Balrampur, Chhattisgarh)(Respondents)

---- Petitioners

Versus

Murli Shyam Rahi S/o Late Shri Ramabadan Choubey, Aged About 65 Years R/o Village Piparaul, Police Station And Tahsil Ramanujganj Distt. Surguja, Chhattisgarh (Now District Balrampur, Chhattisgarh) .

---- Respondents

Petition for review

(By circulation in Chamber)

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order passed on 03/09/2016

This review petition has been filed after more than five years seeking review of order dated 15/03/2011 principally on the ground that the direction issued by this Court was based on letter dated 25/01/2007 (Annexure R/3) of the Additional Collector, Ramanujganj which was only a proposal and not an order of allotment as such. Prayer for condonation of delay has been made on the ground that when contempt petition was filed on alleged non-compliance of order dated 15/03/2011 passed by this Court, then the applicants came to know about order dated 15/03/2011 and after going through the order dated 15/03/2011, it was decided to seek review of the order.

On applicant's own showing, decision was taken to file review only after

filing of contempt petition in the year 2016. There is nothing on record to show that for certain bonafide reasons, beyond control of the applicant, which happens to be none other than the State, review petition could not be filed all these five years.

It is quite obvious that only when contempt petition was filed, in order to wriggle out of the contempt proceedings, this review petition has been filed. The petition is, as frivolous as it could be.

This Court directed consideration of the case of the petitioner not only in view of letter dated 25/01/2007 but also in view of State's own policy of rehabilitation of naxal affected poor persons which was promulgated on 20/10/2004 (Annexure P/8 in the writ petition). The review petition is not based on the ground that there was no such policy. The ground is that letter dated 25/01/2007 was only a proposal and not an order.

This Court does not understand as to why this proposal was not brought to its logical conclusion. The applicants have not shown any bonafides. If the policy existed and if there was any difficulty in implementation of letter proposed, some other steps could have taken but order of the Court was not complied with and only when contempt petition was filed, as the face saving device, recourse to review petition has been taken.

It is unfortunate that instead of providing relief to naxal affected family as per State's policy, despite order of the Court, consideration did not take place and now, a review petition has been filed.

The petition is *sans-merit* and is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge