

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 2 of 2016

- Dr. Awadheshwar Sai S/o Rameshwar Sai, Aged About 46 Years R/o Near I.B.P. Petrol Pump, Uslapur, Tahsil Takhatpur, Civil And Revenue District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Collector, Bilaspur, Chhattisgarh
2. Sub Divisional Officer (Revenue), Kota, District Bilaspur, Chhattisgarh
3. Additional Collector, Bilaspur, Chhattisgarh
4. Additional Commissioner, Bilaspur Division, Bilaspur, Chhattisgarh
5. Manglu Ram S/o Dukhi Ram Gond, R/o Village Uslapur, Tahsil Takhatpur, Distt. Bilaspur, Chhattisgarh
6. Smt. Archana Singh W/o Bhanupratap Singh, R/o Durga Chowk, Katiya Para, Bilaspur, Tah. and Distt. Bilaspur, Chhattisgarh
7. Murlidhar Santani S/o Late Shri Leela Ram Santani, Aged About 33 Years R/o R-7, Vinoba Nagar, Bilaspur, Tah. And Distt. Bilaspur, Chhattisgarh
8. Bhupendra Singh S/o Dhyandas Punjabi, Presently Aged About 73 Years, R/o Mungeli Naka, Bilaspur, Tahsil And Distt. Bilaspur, Chhattisgarh
9. Rajesh Kumar S/o Ramesh Kumar Yadav, Presently Aged About 42 Years, R/o Kududand, Bilaspur, Tahsil And Distt. Bilaspur, Chhattisgarh(Petitioners In W.P.No. 1022/2002)

---- Respondent

Application for review of the order dated 16.12.2014 passed in WP No.1022 of
2002

By circulation in Chamber

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

09/05/2016

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.01), the same is allowed and the delay of 329 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 (for short 'applicant'), who was not a party in W.P. No.1022/2002, seeks review of the order dated 16.12.2014 passed in W.P. No.1022/2002 on the ground that the writ petitioners (respondent Nos.8 & 9 herein) have claimed their right over the Khasra No.205/13 as they have purchased the same by registered sale deed dated 11.06.1974. Vide order dated 16.12.2014 this Court affirmed the order passed by the Additional Collector, Bilaspur, who had passed an order for mutation of the land bearing Khasra No.205/15 which belongs to the present applicant, therefore, the land bearing Khasra No.205/15 (kha) and 205/16 (2) cannot be treated as part of Khasra No.205/13.
5. This Court after going through the documents available in the record of the writ petition passed the order dated 16.12.2014, which is sought to be reviewed herein.
6. The applicant was not a party in the proceedings either before the Revenue Court or before this Court. It is the settled law that an order passed by the Court is binding on the parties, who are arrayed in the proceedings. Even otherwise, the order passed by the Revenue Court directing mutation of name of a person does not decide his title on the

land. If the applicant was having any interest over the land, which according to him is the same land belonging to him, he should have moved an application before the Revenue Court for impleadment. In the review proceedings a party cannot be permitted to be impleaded for the first time for reopening and rehearing the same on merits.

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

Sd/-

Judge

(Prashant Kumar Mishra)

Gowri