

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.140 of 2017

In

Civil Writ Jurisdiction Case No.12620 of 2016

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Bam Shankar Yadav Son of Late Nanu Lal Yadav, Resident of Tiri, Ward No. 4, P.S. Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj.
2. The District Magistrate, Saharsa.
3. District Panchayati Raj, District Saharsa.
4. Sub Divisional Magistrate, Saharsa.
5. Block Development Officer, Sour Bazar, Saharsa.
6. Chief Election Commissioner, the Bihar State Election Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishnaranjan, Advocate Mr. Suman Kumar Jha, Advocate
For the State	:	Mr. P. N. SHAHI, AAG VI Mr. Mritunjay Kumar, AC to AAG VI
For B.S.E.C.	:	Mr. Amit Shrivastava, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 09-08-2017

I. A. NO. 2743 OF 2017

This interlocutory application has been filed seeking condonation of delay of about three months in filing the review petition.

Considering the submission made before the Court and the reasons assigned in the interlocutory application, the delay in



filing the review petition is condoned.

CIVIL REVIEW NO. 140 OF 2017

Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of the Bihar State Election Commission and learned Counsel representing the State of Bihar.

This application, under Article 226 of the Constitution of India read with Section 114 of the Civil Procedure Code, has been filed seeking review of the order, dated 15.09.2016, passed by a Division Bench of this Court, in CWJC No. 12620 of 2016, whereby the writ application preferred by the petitioner, in the form of Public Interest Litigation, seeking setting aside and quashing of the election of Tiri Gram Panchayat, held on 02.05.2016, has been dismissed.

Learned Counsel for the petitioner has submitted that the Division Bench, while disposing of the writ petition, on 15.09.2016, has grossly erred in law and has failed to appreciate that the election held on erroneous electoral roll is bad and, therefore, it was fit to be set aside.

Apparently, the petitioner wants re-hearing of the case in the name of review, which is beyond the scope of Order 47 Rule I of the Civil Procedure Code or Article 226 of the Constitution of India, in the matter of a review petition. In case, the petitioner



is aggrieved by the findings of the Court or he believes that the order is erroneous one, he may challenge the order in appeal. However, a review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected.

No error, apparent on the face of the record, could be pointed out by the petitioner.

In that view of the matter, we see no merit in this application. This is accordingly dismissed.

(Ashwani Kumar Singh, J.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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