

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 48 of 2017**

- Devprasad Gabel S/o Babulal Gabel, Aged About 42 Years Occupation Agriculturist, R/o Village Makari, Thana & Tahsil Kharsiya, Civil & Revenue District Raigarh, Chhattisgarh(Respondent No.5)

---- Petitioner**Versus**

1. Sahebram Gabel S/o Shri Ramprasad Gabel, Aged About 70 Years Occupation Agriculturist, R/o Village Madanpur, Thana & Tahsil Kharsiya, Civil & Revenue District Raigarh, Chhattisgarh (Petitioner)
2. State Of Chhattisgarh, Through The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan Capital Complex Raipur, District Raipur, Chhattisgarh(Respondent No.1)
3. Collector, Raigarh, District Raigarh, Chhattisgarh(Respondent No.2)
4. Deputy Chief Engineer, South Eastern, South Eastern Central Railway Raigarh, District Raigarh, Chhattisgarh(Respondent No.3)
5. Land Acquisition Officer, Sub Divisional Officer Revenue Kharsiya, District Raigarh, Chhattisgarh(Respondent No.4)

---- Respondent**Application for review of the order 5.7.2016 dated passed in****WPC No.1620 of 2016****By circulation in chamber****S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra****17/7/2017**

1. 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 Chattisgarh, Rules, 2007
2. The review petitioner (in short "the applicant"), who was respondent No.5 in WPC No.1620 of 2016, seeks review of the order dated 5.7.2016 passed by this Court in the aforesaid writ petition, on the ground that under Section 64 of the Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the authority has no power to decide the ownership of the land. According to the applicant, there is no application before the concerned authority for enhancement of compensation, which was awarded by the authority under the said Act.

3. On going through the order dated 5.7.2016, which is sought to be reviewed, it is manifest that this Court has not passed any order on the merits of the case and the writ petition was disposed of with a direction to the concerned Collector to refer the writ petitioner's application seeking enhancement of the amount of compensation to the concerned authority within a period of one month and thereafter, the authority was directed to proceed in the matter in accordance with law. Therefore, if the applicant has any grievance, he may raise the same before the Land Acquisition, Rehabilitation and Resettlement Authority.
4. In the garb of Review Application, the applicant was seeking to urge the merits of the decision all over again which is impermissible under the review jurisdiction. The order of which review is sought is a reasoned order. There is no error apparent on the face of the record to warrant invocation of review jurisdiction.
5. The scope of the review jurisdiction is narrow confined to errors apparent on the face of the record or if a relevant provision of law had been overlooked. In other words, it is only a patent error which is amenable to review and not an error which have to be discovered by a process of reasoning and what may be called a virtual rehearsing of the matter. In the garb of a Review Petition, this Court cannot sit in judgment over its own order.
6. In view of the above, the review petition, *sans* merit is liable to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)