

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.456 of 2017

In
Letters Patent Appeal No.441 of 2014

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Laltun Thakur, S/o- late Bhulla Thakur, Resident of Village+Post- Sonkie,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment and Forest,
Government of Bihar, Patna
2. The Principal Chief Conservator of Forest, Government of Bihar, Patna
3. The Conservator of Forest, Government of Bihar, Patna
4. The Divisional Forest Officer-cum-Licensing Authority, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Puneet Siddhartha, A.C. to - AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-04-2018

None appears for the appellant. Sri Puneet
Siddhartha, A.C. to AAG-13 for the respondents.

The Review Application was filed on 21.11.2017.
Defects were pointed out by the office on 15.12.2017. Time was
granted and the defects were not rectified. Again the matter was
taken up on 24.01.2018 when one week's time was granted to
remove the defects. This was not done. On 12.02.2018 again
time was granted. The defects were not removed. Thereafter
time was again granted on 06.03.2018 and 20th of March, 2018
but till date neither the defects are removed nor the counsel



present.

Keeping in view the aforesaid and the law laid down by the Supreme Court in the case of **Sasi (dead) through Legal Representatives Vs. Aravindakshan Nair and others- (2017) 4 SCC 692** wherein it has been stipulated that a Review Application filed has to be decided by the High Court within a period of six months, we proceed to decide the issue on going through the record and hearing the learned counsel for the State Government.

Seeking review/recall of an order passed by a coordinate Division Bench of this Court on 22.11.2016 in L.P.A. No. 441 of 2014, L.P.A. No. 442 of 2014 and C.W.J.C. No. 21305 of 2013, this application has been filed for review. The learned Writ Court took note of the provisions of the Bihar Saw Mill (Regulation) Act, 1990, the provisions of Section 5 thereof for application of licence and decided the writ appeals and the writ petition filed by the State Government being C.W.J.C. No. 21305 of 2013. The petitioner is aggrieved by the order passed in C.W.J.C. No. 21305 of 2013 by the Division Bench.

From the records we find that when C.W.J.C. No. 21305 of 2013 was heard and decided along with L.P.A. Nos. 441 of 2014 and L.P.A. No. 442 of 2014 the petitioner was



represented by his counsel, he was heard and after considering the statutory provision, a detailed speaking order has been passed by the learned Writ Court. Now, on going through the averments made in the application for review, we find that the averments made are with regard to improper consideration and interpretation of the statutory provision, an error committed in the matter of interpreting and considering the statutory provision.

The scope of review under Order 47 Rule 1 C.P.C. has been considered recently by the Supreme Court in the case of Sasi (Dead) (supra) and after taking note of various judgments with regard to the power of review in Paragraphs 9, 10 and 11 the principles have been carved out by the Hon'ble Supreme Court in the following manner:-

“9. The aforesaid authorities clearly spell out the nature, scope and ambit of power to be exercised. The error has to be self-evident and is not to be found out by a process of reasoning. We have adverted to the aforesaid aspects only to highlight the nature of review proceedings.

10. In the case at hand, be it clearly stated, we are really not concerned with the exercise of the power of review and its limitation by the court. We are concerned with the delay in disposal of the application for review which was



kept pending for a span of four years.

11. An application for review, regard being had to its limited scope, has to be disposed of as expeditiously as possible. Though we do not intend to fix any time-limit, it has to be the duty of the Registry of every High Court to place the matter before the Judge/Bench concerned so that the review application can be dealt with in quite promptitude. If a notice is required to be issued to the opposite party in the application for review, a specific date can be given on which day the matter can be dealt with in accordance with law. A reasonable period can be spent for disposal of the review, but definitely not four years. We are compelled to say so as the learned counsel for the petitioner has submitted that there is a delay of 1700 days in preferring the special leave petition against the principal order as he was prosecuting the remedy of review before the High Court. The situation is not acceptable.”

and thereafter in Paragraph 12 guidelines have been issued to the High Court for disposal of review application in the following manner:-

“12. We are obliged to observe certain aspects. An endeavour has to be made by the High Courts to dispose of the applications for review with expediency. It is the duty and obligation of a litigant to file a review and not to keep it defective as if a defective petition can be allowed to remain



on life support, as per his desire. It is the obligation of the counsel filing an application for review to cure or remove the defects at the earliest. The prescription of limitation for filing an application for review has its own sanctity. The Registry of the High Courts has a duty to place the matter before the Judge/Bench with defects so that there can be pre-emptory orders for removal of defects. An adroit method cannot be adopted to file an application for review and wait till its rejection and, thereafter, challenge the orders in the special leave petition and take specious and mercurial plea asserting that the delay had occurred because the petitioner was prosecuting the application for review. There may be absence of diligence on the part of the litigant, but the Registry of the High Courts is required to be vigilant. Procrastination of litigation in this manner is nothing but a subterfuge taken recourse to in a manner that can epitomise “cleverness” in its conventional sense. We say no more in this regard.”

Taking note of the aforesaid legal principle laid down by the Supreme Court and the grounds canvassed in the petition for review, we find that the grounds raised do not fall within the limited scope of jurisdiction available to this Court under Order 47 Rule 1 CPC. In fact, the petitioner wants reconsideration of the entire matter. It is not a case where there is any error apparent on the face of the record. On the contrary,



the nature of allegations and the grounds raised are in fact to be considered by appellate authority and not by this Court in the realm of its jurisdiction under review.

Accordingly, finding no case made out for review, this application stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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