NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No.130 of 2017

1. State Of Chhattisgarh Through The Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh. (Respondent No. 2)

2. Deleted (Chhattisgarh Board Of Revenue Raipur, Chhattisgarh) As Per Honble Court Order Dated 07.11.2017

3. The Collector, Raipur, Chhattisgarh. (Respondent No. 04)

4. The Sub Divisional Officer (Revenue), Abhanpur, Arang, District Raipur, Chhattisgarh. (Respondent No. 05)

---- Petitioner

Versus

1. Smt. Saraswati Chouhan D/o Late Shri Umendra Singh Chouhan Aged About 38 Years R/o Village Tamasivani, Sub Tehsil Navapara, Abhanpur, District Raipur, Chhattisgarh.

2. Union Of India, Through Secretary, Department Of Home, New Delhi. (Respondent No. 01)

-- Respondent

Shri S. Majid Ali, Panel Lawyer for applicants/State.
Smt. Renu Kochar, counsel for respondent No.1.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/01/2018

Heard.

2. This review petition has been filed by the applicants/State for seeking recall of order dated 26-04-2017 on the ground that the State could not file return in the case, by which, order was passed in favour of the writ petitioner directing grant of lease within a period of 60 days from the date of receipt of a copy of this order.

3. It is submitted that in fact, the order passed by the Board of Revenue could not be given effect to in respect of a dead person, later on, the applicants/State had filed a petition (WP (227)No.902 of 2017) challenging the order passed by the Board of Revenue, in which, vide order dated 06/12/2017, the effect and operation of the order dated 04-08-2015 passed by the Board of

Revenue has been stayed.

4. The reasons, which are being assigned to seek recall of order dated 26-04-2017 could not be made a basis to seek review of the order. It is not a case, where the applicants had shown any reason as to why despite grant of last opportunity, return could not be filed. In fact, the review has been sought on the ground of merits of the case, for which, enough opportunity was granted to the applicants to file reply and contest the matter.

5. The subsequent development that the writ petition was filed by the applicants/State against the order passed by the Board of Revenue could also not be a ground to seek review of earlier order, though there may be other consequences in view of challenge to the order passed by the Board of Revenue and stay of the same.

6. In view of foregoing, the review petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

Tumane