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HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No.169 of 2017

Gopal Agrawal, Aged about 62 years, S/o Shri Nanakchand Agrawal, R/o Village Kharora, Tahsil Tilda, Distt: Raipur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Ministry of Revenue, Govt. of Chhattisgarh, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh
2. Punnibai, widow of late Shri Mehtar Das Panka (Kotwar), Village Naukar, Tasil Tilda, District Raipur, Chhattisgarh
3. Manbodh, S/o Daniram Kumar, Village Naukar (Kotwar), Tahsil Tilda, District Raipur, Chhattisgarh
4. Nagar Panchayat Kharora, Through C.E.G. Distt. Raipur, Chhattisgarh

---- Respondents

And

Review Petition No.2 of 2018

1. Punnibai, (wrongly mentioned as Punnilal in impugned order) widow of late Shri Mehtar Das Panka, Aged about 58 years, (Kotwar), Village Naukar, Tahsil, Tilda, District Raipur, Chhattisgarh
2. Manbodh S/o Daniram Kumar, Aged about 56 years, Village Naukar (Kotwar), Tahsil Tilda, District Raipur Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through the Secretary, Ministry of Revenue, Govt. of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. Nagar Panchayat Kharora, Through C.E.G. Distt. Raipur Chhattisgarh
3. Gopal Agrawal, S/o Shri Nanakchand Agrawal, R/o Village Kharora, Tahsil Tilda, District Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr.Ashish Surana, Advocate in Review Petition No.169 of 2017
For Petitioners : Mr.Rakesh Dubey, Advocate in Review Petition No.2 of 2018
For State : Mr.P.K.Bhaduri, Govt.Advocate
For Nagar Panchayat-Kharora: Mr.Raja Sharma, Advocate
For Respondent No.3 : Mr.Ashish Surana, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

3/8/2018

1. Writ Petition (C) No.2082 of 2007 (State of Chhattisgarh v. Gopal Agrawal and others) filed by the State was allowed by this Court by

order dated 14.9.2017, against which respondents No.1 to 3 therein/petitioners herein preferred Special Leave Petition (C) No (s). No.27556/2017 and 28939/2017 before the Hon'ble Supreme Court, which were allowed to be withdrawn by the Hon'ble Supreme Court vide orders dated 27.10.2017 and 10.11.2017 with liberty to file review petition before this Court. In the light of orders passed by the Hon'ble Supreme Court, these review petitions have been filed by the petitioners.

2. Mr.Ashish Surana and Mr.Rakesh Dubey, learned counsel for the petitioners, would submit that this Court in para-12 of the order under review has held that Revenue Book Circular has no force of law, but in view of the notification dated 23rd November, 2001 it can be said to be force of law. They would further submit that the Commissioner could not have been granted permission for review to the Collector, but the Commissioner has granted permission for review and on that basis, the Collector reviewed and set aside the order passed by the Additional collector permitting exchange of service land, which has rightly been set aside by the Board of Revenue and the writ petition as framed and filed by the State under Article 227 of the Constitution of India was not maintainable, which has been entertained and order under review has been passed. Therefore, the review petitions deserve to be allowed.

3. On the other hand, learned Government Advocate for the State and learned counsel for respondent-Nagar Panchayat, Kharora would support the impugned order.

4. I have heard learned counsel for the parties and perused the impugned order under review.

5. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law (pl.See **Devaraju Pillai v. Sellayya Pillai[1], Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)[2], Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others[3], Lily Thomas etc. v. Union of India and others[4], Akhilesh Yavad v. Vishwanath Chaturvedi and others**[5] and **Sasi (D) through LRS. v. Aravindakshan Nair and others**[6].)

6. This Court in para 12 of WPC No.2082 of 2007 has held that the Revenue Book Circular has no force of law, which has seriously been questioned as contrary to law in light of notification dated 23.11.2001.

7. Notification dated 23rd November, 2001 states as under:-

"Raipur, the 23rd November, 2001

NOTIFICATION

No.F-6-24/Revennue/2001.-In exercise of the powers conferred by Section 79 of the Madhya Pradesh Re-organisation Act, 2000 (No.28 of 2000) the State Government hereby makes the following orders, namely:-

ORDER

1. (i) This order may be called the adaptation of laws order, 2000.

(ii) It shall come into force in the whole State of Chhattisgarh on the 1st of November, 2000.

2. The laws as amended from time to time, specified in the schedule

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1 (1987) 1 SCC 61
2 (1995) 1 SCC 170
3 (1996) 10 SCC 174
4 AIR 2000 SC 1650
5 (2013) 2 SCC 1
6 (2017) 4 SCC 692

to this order, which were in force in the State of Madhya Pradesh immediately before the formation of the State of Chhattisgarh, are hereby extended to and shall be in force in Chhattisgarh until repealed or amended. Subject to the notifications that in all the Laws for the word “Madhya Pradesh” wherever they occur the word “Chhattisgarh” shall be substituted.

3. Anything done or any action taken (including any appointment, notification, notice, rule, form, regulation, certificate or licence) in exercise of the powers conferred by or under the Acts and laws specified in the Schedule shall continue to be infocre in the State of Chhattisgarh

SCHEDULE

No. (1)	Name of the Laws (2)
1.	M.P. Land Revenue Code, 1959 (No.20 of 1959)
2.	M.P. Ceiling on Agricultural Holding Act, 1960 (No.20 of 1960)
3.	M.P. Public Trust Act, 1951 (No.30 of 1951)
4.	M.P. Revenue Book Circular
5.	M.P. Scarcity Manual

By order and in the name of the Governor of Chhattisgarh

N.K.Aswal, Secretary”

8. The aforesaid notification clearly states that Revenue Book Circular as applicable in erstwhile State of Madhya Pradesh has been adopted by the State of Chhattisgarh in accordance with the provisions contained in Section 79 of the Madhya Pradesh Re-organisation Act, 2000, but the Revenue Book Circular has not been given statutory colour/flavour by the above-stated notification. The Revenue Book Circular would remain as it is as it has no force of law. So, first submission of Mr.Surana is rejected.

9. The other grounds raised by review petitioners in these review petitions with regard to the nature of writ petition and other grounds were not raised in writ petition (C) No.2082 of 2007, as such, new ground cannot be permitted to be raised in review petitions (pl. See **Collector of 24 Parganas and others v. Lalith**

Mohan Mullick and others[7]). Even otherwise, there is no error apparent on the face of record in the impugned order under review warranting invocation of review jurisdiction.

10. Accordingly, both the review petitions are dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-

7 1988 (Supp) SCC 578