

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 133 of 2015

1. Sundar Lal S/o Bhagatu, Aged About 55 Years R/o Village Rakhi, New Raipur, Tahsil And District Raipur, Chhattisgarh
2. Shyamlal S/o Bhaktu Ram, Aged About 60 Years R/o Village Rakhi, Naya Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh , Through The Secretary, Department Of Housing And Environment, Mahanadi Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Naya Raipur Development Authority, Through The General Manager Rehabilitation, Naya Raipur, Mantralaya, Near Mahanadi Dwar, Raipur, District Raipur, Chhattisgarh
3. Gotia Gond S/o Jhumuk Gond, Aged About 60 Years R/o Village Rakhi, Naya Raipur, Tahsil And District Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Smt. Hamida Siddiqui, Advocate
For State	:	Shri Subhash Yadav, Dy.G.A.
For res.No.2/ NRDA	:	Shri Praveen Das, Advocate
For respondent No.3.	:	Shri Sameer Uraon, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/05/2019

Heard.

The review of order dated 27/07/2015 in so far as it decided WPC No.23/2015 (*Gotia Gond v. State of Chhattisgarh and ors.*) is concerned, is sought on the ground that the review petitioners namely Shyamlal and Sunder Lal were not served.

2. This Court has gone through the records of the writ petition which shows that the notice issued by this Court were served through process server and there is report of the process server that notice has been served on respective respondents

– Shyamlal and Sunder Lal. As Sunder Lal was not found, the notice was served on the adult member residing with him.

In the review petition, except one line assertion, nothing has been stated much less disputed the correctness of the service of notice on the respondents through the process server nor report of the process server has been disputed by filing any affidavit. Therefore, the ground for review does not appear to be tenable in law.

3. Learned counsel for the review petitioner would submit that even otherwise, the writ petitioners filed petition claiming right on the basis of so called order dated 12/03/2010 which is only a survey report and not an order of actual allotment in favour of the writ petitioners.

4. The said order emanated from the office of NRDA who did not dispute the said order much less existence of the same. This order is prior to the date of order of allotment issued by NRDA in favour of the present review petitioners which is clear from the order dated 04/09/2015 (Annexure P/3) filed with the review petition. In that order, the letter of allotment of the review petitioner was issued on 13/01/2011 only i.e. subsequent to the allotment letter issued in favour of the writ petitioner on 12/03/2010. The review petition is accordingly dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge