

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 74 of 2019**

- A. P. Dubey (Petitioner In Person) S/o Late Shri Gaya Prasad Dubey Aged About 73 Years R/o House No. 323, Beside Union Bank, Ward No. 9, Bemetara, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State of Madhya Pradesh Now (State of Chhattisgarh) Through Its Secretary, Department of Forests, State of Madhya Pradesh, Mantralaya, Vallabh Bhawan, Bhopal Madhya Pradesh.
2. State of Chhattisgarh Through The Secretary, Department of Forests Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh.
3. Principal Chief Conservator of Forest Satpuda Bhawan, Bhopal Madhya Pradesh.

---- Respondents

For Petitioner	:-	Shri A.P. Dubey, Petitioner in person.
For Respondent-State	:-	Shri Vikram Sharma, PL.

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ**Hon'ble Shri Parth Prateem Sahu, J.****Order on Board****By****Prashant Kumar Mishra, Ag. CJ****29/04/2019**

1. The writ petitioner (for short the petitioner) seeks review of the

order dated 04.02.2019 passed in Writ Appeal No.788/2018 merely on the ground that the respondent authorities should not be given benefit their own wrong doing by acting arbitrarily against the petitioner and hence is entitled for all the consequential benefits.

2. After going through the record of the writ appeal it is manifest that after hearing the parties including the writ petitioner (in person) this Court allowed the Writ Appeal by passing a reasoned and cogent order.
3. On consideration of the above-stated grounds, which are in the nature of taking liberty to re-argue the writ petition are unsustainable in the eyes of law. The petitioner cannot be allowed to commit a volte-face and take up new pleas in review petition.
4. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the constitution, the petitioner has not produced any ground for review.

5. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.
6. It is well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455. Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothermicsm & Hydropower Ltd. And others, (2005) 6 SCC 651.
7. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge