

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 84 of 2019**

Dharam Singh Gond s/o Late Shri Panch Ram, Aged about 61 years, R/o Faraswani, PO Faraswani, Tahsil and Post Dabhra, Civil and Revenue District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Principal Secretary, Department of Revenue & Disaster Management, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur, Chhattisgarh 492002.
2. Collector, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Petitioner	: Shri B.K.Chakrabarty, Advocate.
For Respondent/State	: Shri Gagan Tiwari, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

Order on Board**Per P.R. Ramachandra Menon, Chief Justice****15/05/2019**

1. The Petitioner in this review petition has come up before this Court seeking to review the verdict dated 16.03.2018 passed by this Court in Writ Appeal No. 112 of 2018 whereby the claim of the Petitioner was repelled with regard to the assignment of agricultural land and he prays for allotment of another land.
2. Heard the learned counsel for the review Petitioner as well as the learned Deputy Government Advocate for the State/Respondents.

3. We have gone through the judgment and the factual position discernible is that the Petitioner who retired in the Indian Army and stated as landless, had sought for allocation of a particular extent of land. The claim was considered and held that it was not an agricultural land so as to come within the preview of allotment/assignment, but was a grazing land.
4. The challenge raised by the Petitioner against the said finding and the rejection of the claim did not succeed and the matter was ultimately considered by the Division Bench of this Court in Writ Appeal No. 112 of 2018 alongwith such other similar cases, in turn leading to the common judgment dated 16.03.2018 as mentioned above.
5. Obviously, the findings rendered by the authorities or the Government and the verdict passed by learned Single Judge came to be upheld and it was accordingly that interference was declined with reference to the particular nature of land. The case now projected by the review Petitioner is that his claim might be considered in respect of some other land.
6. The learned Deputy Government Advocate submits that a totally new case has been put forth by the Petitioner which was never the subject matter of the writ petition or the writ appeal and hence, it is not liable to be entertained by this Court.
7. We find considerable force in the aforesaid submission made by the learned State counsel.
8. The power of review can be exercised only if there is error apparent on the face of record. In view of the admitted/undisputed facts, the request for allotment of some other land was not a prayer sought for in the writ petition or the writ appeal. Accordingly, we hold that there is no error apparent on the face of the record so as to invoke the power of review. The review petition fails. It is dismissed. However, this will not bar the way of Petitioner

to raise a claim with reference to such other appropriate land if he is eligible to put forth such claim and entitled to get allotment/assignment in tune with the relevant provisions of law.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Sharad Kumar Gupta)
JUDGE