

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 76 of 2019**

- General Manager National Thermal Power Corporation Limited, Talaipali (Coal Mining Project, Railway Line) Thana Gharghoda, Tahsil And District Raigarh Chhattisgarh. (Respondent No. 4 In WPC No. 500 Of 2019)

---- Applicant**Versus**

1. Chandrahas Shukla S/o Bhagwandin Shukla Aged About 58 Years R/o Rajendra Nagar Bilaspur Tahsil And District Bilaspur, Chhattisgarh. (Respondent / Petitioner In WPC No. 500 Of 2019)
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan Mantralaya, Thana Naya Raipur, Tahsil And District Raipur, Chhattisgarh.
3. The Collector And Officiating Deputy Secretary Of State Of Chhattisgarh Collectorate District Of Raigarh, Thana Tahsil And District Raigarh, Chhattisgarh.
4. Sub Divisional Officer (Revenue Cum Land Acquisition Officer), Raigarh Tahsil And District Raigarh Chhattisgarh.
5. Kasturi D/o Amar Singh Aged About 56 Years R/o Village Kotarlia Tahsil And District Raigarh Chhattisgarh.
6. Parkhit S/o Heeralal Aged About 39 Years R/o Village - Kotarlia Tahsil And District Raigarh, Chhattisgarh
7. Sarswati D/o Heeralal Aged About 42 Years R/o Village 2 Kotarlia Tahsil And District Raigarh Chhattisgarh.
8. Satwati D/o Heeralal Aged About 36 Years R/o Village Kotarlia, Tahsil And District Raigarh Chhattisgarh.

---- Respondent**REVP No. 77 of 2019**

- General Manager National Thermal Power Corporation Limited,

Talaipali (Coal Mining Project, Railway Line) Thana Gharghoda, Tahsil And District Raigarh Chhattisgarh.

---- **Applicant**

Versus

1. Jaishree Shukla W/o Chandrahas Shukla Aged About 56 Years R/o Rajendra Nagar Bilaspur Tahsil And District Bilaspur Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management Mahanadi Bhawan Mantraya, Thana Naya Raipur, Tahsil And District Raipur, Chhattisgarh.
3. The Collector And Officiating Deputy Secretary Of State Of Chhattisgarh, Collectorate District Of Raigarh, Thana Tahsil And District Raigarh Chhattisgarh.
4. Sub Divisional Officer (Revenue - Cum - Land Acquisition Officer, Raigarh Tahsil And District Raigarh Chhattisgarh.
5. The Thasildar, Tahsil Of Pusore Office Of Tahsildar Thana Pusor Tahsil Pusore District Raigarh Chhattisgarh.
6. Kasturi D/o Amar Singh Aged About 56 Village R/o Village Kotarlia Tahsil And District Raigarh Chhattisgarh.
7. Parkhit S/o Heeralal Aged About 39 Years R/o Village Kotarlia Tahsil And District Raigarh Chhattisgarh.
8. Sarswati D/o Heeralal Aged About 42 Years R/o Village Kotarlia Tahsil And District - Raigarh Chhattisgarh.
9. Satwati D/o Heeralal Aged About 36 Years R/o Village Kotarlia Tahsil And District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Dr. NK Shukla, Sr. Adv. With Shri Vikram Sharma and Shri Shailendra Shukla, Advocates.

For Respondent No.1 : Shri NK Malviya, Advocate.

For Respondent/State : Shri Siddharth Dubey, Deputy GA.

For Private Respondents : Shri Anand Mohan Tiwari, Advocate.

Hon'ble Shri Prashant Kumar Mishra, Ag. C.J.

Order On Board

18/04/2019 :

1. These two Review Petitions have been preferred by the applicant National Thermal Power Corporation Limited (NTPC) Talaipali (Coal Mining) Project, Raigarh seeking review of the common order dated 26.2.2019 passed in two connected writ petitions bearing WPC Nos.499/2019 and 500/2019.
2. The petitioners in the writ petitions had prayed that much before passing of the land acquisition award in favour of previous owners of the land, they had purchased the land, therefore, the land acquisition officer should consider to correct the award and pay compensation to them.
3. In course of hearing of the writ petitions, the erstwhile owners of the land, who were arrayed as respondents, stated before the Court that they have no right, title or interest left in the property as they already sold the land way back in September, 2013, i.e. much before the proposal for land acquisition was made on 22.8.2015. In that factual background, this Court directed the land acquisition officer to consider to correct the award and pay compensation to the writ petitioners.
4. A perusal of the order passed in the writ petitions would demonstrate that this Court has not decided any contentious issue between the parties nor any question of law has been decided by this Court which may

require correction under the review jurisdiction on the ground that there is error apparent on the face of the record. It is settled law that in the guise of Review Application, the party cannot be allowed to argue the matter calling upon the Court to sit in appeal over the earlier order. {See : **Meera Bhanjan Vs. Smt. Nirmal Kumar Chowdhary¹, Lily Thomas etc. Vs. Union of India and Others², Ajit Kumar Rath Vs. State of Orissa and Others³, Government of T.N. & Others Vs. M. Ananchu Asari and Others⁴ and Kerala State Electricity Board Vs. Hitech Electrothemicsm & Hydropower Ltd and others⁵.**}

5. Learned Senior Counsel appearing for the NTPC would argue that even if the NTPC has already deposited the award amount with the land acquisition officer, the actual beneficiary of sale transaction would later on raise claim for appointment with the NTPC under the Rehabilitation Policy, therefore, the NTPC is aggrieved.
6. I am not convinced with the submission for the reason that the erstwhile owners or purchasers of the property who received compensation, the Rehabilitation Policy would apply to any one of them only and not to both. Similarly, application of Rehabilitation Policy would be governed in terms of the policy and not beyond that.
7. In view of the above, there being no error apparent on the face of record in the order under review, the present Review Petitions for exercise of

1 AIR 1995 SC 455

2 AIR 2000 SC 1650

3 AIR 2000 SC 85

4 (2005) 2 SCC 332

5 (2005) 6 SCC 651

review jurisdiction deserve to be and are hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

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