

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 118 of 2019**

(Arising out of order dated 16/03/2018 passed in Writ Appeal No. 120 of 2018 by the learned Division Bench)

Awadh Ram Chandra S/o Bhagwat Prasad Chandra Aged About 49 Years
R/o Siljada, P.O. Sukhada, Tahsil And Post Dabhara, Civil And Revenue
District Janjgir-Champa Chhattisgarh.

---- **Petitioner**

Versus

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

---- **Respondents**

For Petitioner	:	Mr. B.K. Chakrabarty, Advocate
For Respondent/State	:	Mr. Sumit Verma, Deputy Govt. 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

19/09/2019

1. The prayer in this review petition is as follows :-

'It is therefore humbly respectfully prayed that the Hon'ble Court may be pleased to order as to call back the order dated 16.03.2018 passed in W.A.120/2018, and pass an order to the Respondent No.2 amended order for another land may please to be legally allotted to the petitioner under the provisions of Clause 3 Kh of Part 4 No.3 of the Chhattisgarh Revenue Book Circular may kindly be passed in favor of the appellant in the interest of justice.'

2. Heard the learned counsel for the review petitioner as well as the learned counsel representing the State. During the course of hearing, it is brought into the notice of this Court that exactly similar matter arising from the common judgment in respect of Writ Appeal No.112 of 2018 had come for consideration before this Court in

Review Petition No.84 of 2019 and as per order dated 15/05/2019 we held that there was no error apparent on the face of the record and accordingly, the review petition was dismissed, making it clear that it would not bar the way of the petitioner to raise a claim with reference to such other appropriate land, if he was eligible to put forth such claim and entitled to get allotment/assignment in tune with the relevant provisions of law.

3. The observation made by this Court and the inference arrived at are discernible from paragraph No. 5 to 8 which are reproduced below for convenience or reference :-

“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.”

4. In the above circumstance, interference is declined in this review petition and the same is dismissed in terms of the order dated 15/05/2019 in Review Petition No. 84 of 2019 and other similar cases.

Sd/-

(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE