

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 115 of 2019**

- Cement Corporation of India Ltd (Through General Manager), Akaltara Unit, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. Aswani Singh S/o Rajeshwar Singh Aged About 60 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
2. Balkrishna Singh S/o Rajeshwar Singh Aged About 52 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
3. Jawahar Singh S/o Rajeshwar Singh Aged About 83 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
4. Vindhyawashni Devi W/o Ashok Singh Aged About 64 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
5. Chakradhar Singh S/o Ashok Singh Aged About 43 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
6. Shankhdhar Singh S/o Ashok Singh Aged About 39 Years
R/o Village Taroud, Tehsil Akaltara, District Janjgir Champa,
Chhattisgarh.
7. Shridhar Singh S/o Ashok Singh Aged About 35 Years R/o

Village Taroud, Tehsil Akaltara, District Janjgir Champa, Chhattisgarh.

8. Union of India Through Secretary, Ministry of Road, Transport and Highway, Transport Bhawan, 1- Parliament Street, New Delhi, 110001, District : New Delhi, Delhi.
9. National Highway Authority of India G-5 & G-6, Sector -10, Dwarika, New Delhi-110075, District New Delhi, Delhi.
10. State of Chhattisgarh Through Secretary, Department of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
11. The Collector, District Janjgir Champa Chhattisgarh.
12. Sub Divisional Officer (Revenue) Cum Competent Authority National Highway No. 200, (New Number 49), Champa, District Janjgir Champa, Chhattisgarh.

---- Respondents

Application for review of the Order dated 14.11.2018

passed in

W.P. S. No. 3122 of 2018

By Circular in Chamber

Hon'ble Mr. Justice Prashant Kumar Mishra

25/11/2019

1. The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007.
2. The Review Petitioner (in short “the petitioner”), who was not a party in **WPC No.3122/2018**, seeks review of the order dated

14.11.2018 passed in WPC No.3122/2018 purely on the ground that, in fact, the land in question is belonging to the review petitioner and despite the said fact the award has been passed in favour of the writ petitioners.

3. After going through the record of the writ petition it is apparent that the award in question has been passed in favour of the writ petitioners and hence this Court without entering into the merits of the case directed the respondent-Land Acquisition Officer to make payment of the award to the writ petitioner.
4. A perusal of the record of the writ petition would reveal that the writ petitioners were the recorded owners of the lands, which were acquired under the National Highways Act, 1956 (for brevity "the Act, 1956). Compensation for acquisition of writ petitioners' land was assessed under Section 3G of the Act, 1956, vide Annexure P3 and thereafter notices were issued to the petitioners for receiving the amount of compensation, vide Annexure P-4. Despite this notice dated 24.08.2016 petitioners were not disbursed the compensation, therefore, the writ petition was filed. At no point of time, the present petitioner was not a party to the acquisition proceedings nor any award has been passed in its favour. The present petitioner has never raised any objection before the Land Acquisition Officer or before the Authorities who were performing duties under the Act, 1956.

5. The present petitioner not being a party to the acquisition proceedings, its contention in this review application that it owns the disputed land cannot be examined. The petitioner herein is seeking liberty to re-argue the writ petition which is not permissible in law.
6. 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.
7. 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.
8. 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 converting 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 Electrothemicsm & Hydropower Ltd. And others, (2005) 6 SCC 651.

9. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Ankit