

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 103 of 2018

- Smt. Asha Bhawar W/o Shri Santosh Bhawar Aged About 55 Years R/o Mahamaipara, Purani Basti, Raipur, Chhattisgarh, Through The Power Of Attorney Holder- Ramcharan Ssonkar, S/o Shri Atmaram Sonkar, Aged About 52 Years, R/o Tiranga Chowk, Kushalpur, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. Dayasharan Sonkar S/o Late Narayan Sonkar Aged About 37 Years
 2. Dularin Bai Sonkar W/o Late Narayan Sonkar Aged About 58 Years
- Both R/o Village Bhathagaon Police Station, Raipur Civil And Revenue District- Raipur, Chhattisgarh.
3. The State Of Chhattisgarh Through Its Secretary Revenue Department, Mahanadi Bhawan, New Raipur, (Atal Nagar), Chhattisgarh.
 4. The Collector Raipur District- Raipur, Chhattisgarh.
 5. The Sub Divisional Officer Revenue, Raipur, District- Raipur, Chhattisgarh.
 6. The Tehsildar Raipur District- Raipur, Chhattisgarh.
 7. Ajay Singh Thakur Working As Patwari Charge Of P.H. No.

105/47, Police Station Raipur Civil And Revenue District- Raipur,
Chhattisgarh.

---- Respondents

Application for review of the Order dated 28.08.2018

passed in

W.P. No. 1942 of 2015

By Circular in Chamber

Hon'ble Mr. Justice Prashant Kumar Mishra

07/02/2019

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”) seeks review order dated 28.08.2018 passed in WPC No.1942/2015 on the ground that the writ petitioner and the respondent-Authorities have not informed the Court that the reference and dispute with regard to the entitlement and apportionment of compensation is referred and pending adjudication before the Authority under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
3. After going through the record of the writ petition it is manifest that after the hearing of the parties including the review petitioner (intervenor therein) this Court disposed of the writ petition with a direction to the Sub Divisional Officer

(Revenue), Raipur to verify the land records and pass an appropriate order so that the compensation is paid to the rightful owner of the property.

4. 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.
5. 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.
6. 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.
7. 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 Electrothemicsm & Hydropower Ltd. And others, (2005) 6 SCC 651.

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

Sd/-
Prashant Kumar Mishra
Judge

Ankit