GAHC010306532019

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./34/2020

SHRI ANIRBAN ROY
SON OF SHRI NALINI RANJAN ROY, RESIDENT OF FICI, GLORY APARTMENT, TARUN NAGAR MAIN ROAD, GUWAHATI- 781005, ASSAM.

VERSUS

THE ASSAM AGRICULTURAL UNIVERSITY AND 4 ORS
REPRESENTED BY ITS VICE CHANCELLOR, BARBHETA, JORHAT- 785013, ASSAM.

2:THE DEAN

3:THE ASSOCIATE DIRECTOR

4:THE DEPUTY COMMISSIONER
KAMRUP(METRO)

5:THE CHIEF SECRETAR

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
ORDER

24-11 -2020

[N. Kotiswar Singh, CJ(Acting)]

Heard Mr. A. Roy, petitioner in person. Also heard Mr. K.P. Pathak, learned Standing Counsel, AAU for the respondent nos. 1, 2 & 3 and Mr. T.C. Chutia, learned Senior Government Advocate, Assam, for the respondent nos. 4 & 5.

2. The present Review Petition has been filed seeking review of the order dated 11.11.2019 passed in PIL 35/2019 by the Division Bench of this Court. The aforesaid PIL was filed alleging improper utilization of multipurpose Sports Complex under the Assam Agriculture University, Khanapara. It has been alleged that the aforesaid Sports Complex has been used for various other non-sports related activities including political and such activities and certain directions were sought for preventing extraneous use of the said ground. It has been stated by the petitioner in person that while disposing the said PIL, this Court did not take into consideration certain aspects and irregular use of the sports premise as reflected in affidavit-in-reply filed by the petitioner. Thus, it is the contention that this Court had overlooked some important points while passing the aforesaid order on 11.11.2019 which would necessitate review of this order dated 11.11.2019.

3. We have perused the judgment and order of this Court passed in PIL No.35/2019 on 11.11.2019 and also review petition filed by the review petitioner.

4. It is well settled that the scope for review of a judgment is limited and it is generally circumscribed by the principles laid down in the Order XLVII Rule 1 of the Code of Civil Procedure which principles also govern the writ proceedings under Article 226 of the Constitution of India including PIL. As per the aforesaid principles, a review would lie only when there is any mistake or error apparent on the face of the record or there is a discovery of new and important matter or evidence which was not within the knowledge of the

petitioner and which could not be produced by him/her at the time when the judgment and order was rendered. In the present case, seen from the aforesaid legal parameters, we do not see that there is any apparent error on the face of the record which could be pointed out by the review petitioner, nor it is not a question of any discovery of a new fact. In fact, this Court while disposing of the PIL had specifically taken into consideration the plea raised by the petitioner/review petitioner about the alleged use of the sports complex for other purposes and disapproved of the same, which is clearly mentioned in Para No.12 & 13 of the judgment and order dated 11.11.2019. In Para-13 of the said judgment this Court had recorded the fact that the fields are meant for sports activities and if the same are being used for the purpose other than sports, there is a need to balance the requirement for sports activities and other non-sports activities. At best, if any particular point had not been taken into consideration while passing the order, it could be at best held that the Court did not find such point to be of importance to be reflected in the judgment but certainly, it cannot be said that the Court did not take into consideration any important document which would have a bearing on the final decision of the case and has the potential to tilt the judgment. The petitioner has not been able to show also that the absence of consideration of any aspect would cause gross injustice to the petitioner. As the review petition has failed to point out any such important material documents or evidence, which would have bearing or which may tilt the decision or which would cause serious miscarriage of justice, we are of the opinion that no case has been made out for review of this order.

5. Accordingly, the present review petition stands closed.

JUDGE CHIEF JUSTICE (ACTING)

Comparing Assistant