

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 21 of 2020

1. Santosh Nag, S/o Mr. Jaya Nag, Aged About 33 Years, Caste - Ganda, R/o D. N. K. Colony, Kondagaon, Tahsil And District – Kondagaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of Urban Development Administration And Development Department, New Raipur Chhattisgarh
2. Chhattisgarh State Election Commission, Near DKS Bhawan, Old Mantralala Road, Moti Bag, Raipur, District : Raipur, Chhattisgarh
3. Collector Cum Returning Officer, Kondagaon, District : Kondagaon, Chhattisgarh
4. Chief Municipal Officer (CMO) Municipality, Kondagaon, District : Kondagaon, Chhattisgarh
5. Nipendra Mishra, S/o G.C. Mishra, Aged about:39 years, R/o Vikas Nagar, Kondagaon Chhattisgarh
6. Gunmati Nayak, D/o Haroprasad Nag, Aged about: 35 years, R/o D. N. K. Colony, Kondagaon, District : Kondagaon, Chhattisgarh
7. M.D. Baghel, S/o Bisru Ram Baghel, Aged about: 61 years, R/o Tahsilpara, Kondagaon Chhattisgarh
8. Neelambar Jali, S/o Late Jairam, Aged about:36 years, R/o D. N. K. Colony, Kondagaon Chhattisgarh

----- Respondents

For Petitioner	:	Mr. Shobhit Koshta, Advocate
For State	:	Mr. Anshuman Shrivastava, P. Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

31.01.2020

1. The present Review Petition has been filed seeking review of the order dated 09.12.2019 passed in WPC No. 4554 of 2019.

2. The counsel for the petitioner seeks review of the order to the extent that the liberty of the petitioner be protected for availing other remedies open to him under the Election Rules of Chhattisgarh Municipalities Act. According to the counsel for the petitioner, the petitioner has already preferred an election petition before the competent authority but there is an apprehension to the observation made by this Court while deciding the writ petition which may have an adverse impact on the finding of election petition and, therefore, he prays for an observation that the right of the petitioner for availing the remedy be left open and the concerned authority be not influenced by the observation made by this Court on 09.12.2019.
3. At the outset, this Court is of the opinion that the said ground raised by the applicant would not be one which could be permissible under the review jurisdiction of this Court. It is a well settled position of law that a review petition can be entertained only in the event of their being an error on the face of record or a mistake that has crept-in the course of passing the order. Once when this Court holds that writ petition is dismissed being devoid of merit, further observation to dilute the said order would not be permissible exercising the review jurisdiction of this Court. The remedy available to the petitioner would be to challenge the order of this Court before the higher forum and seek for appropriate relief from the said appellate forum.
4. The Review Petition, therefore, stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**