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HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 15 of 2020**

(Arising out of order dated 24.10.2019 passed in Writ Appeal No.397 of 2019 by the learned Division Bench)

Suresh Kumar Jagatramka Petitioner In Person S/o Shri Banwari Lal Jagatramka Aged About 62 Years R/o Gandhi Chowk, Raigarh, Tahsil And District Raigarh Chhattisgarh. Mob. 7987230716.

---- Petitioner**Versus**

1. Inderpal Singh Bhatia S/o Late Harbans Singh Bhatia Aged About 60 Years R/o Jagatpur, Dhimrapur Road, Raigarh, District Raigarh Chhattisgarh.
2. Poonam Chand Agrawal S/o Lalchand Agrawal Aged About 55 Years R/o Gandhi Ganj, Raigarh, District Raigarh Chhattisgarh.
3. Sunil Agrawal S/o Ramdas Agrawal Aged About 52 Years R/o Friends Colony, Raigarh, District Raigarh Chhattisgarh.
4. State Of Chhattisgarh Through The Collector, Raigarh, District Raigarh Chhattisgarh.
5. Sub Divisional Officer (Revenue) Raigarh, District Raigarh Chhattisgarh.
6. Nazul Adhikari Raigarh District Raigarh Chhattisgarh.
7. Revenue Inspector (Sheet No. 44) Raigarh, District Raigarh Chhattisgarh.
8. Pradeep Kumar Kejriwal S/o Late Manohar Lal Kejriwal R/o Subhash Chowk, Raigarh, District Raigarh Chhattisgarh. (However The Correct Address Is 198, Binova Bhawe Road, Sahapur, Kolkata (W.B.) Pin 700038.

---- Respondents

For Petitioner	: Shri Suresh Kumar Jagatramka, in person.
For Respondent/State	: Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**Per Parth Prateem Sahu, Judge****17.02.2020**

1. The main grievance of the Petitioner is that when the Court had arrived at a finding that there is no error in the order passed by the learned Single Judge which is subject matter of Writ Appeal No.397 of 2019 even then, certain observations have been made with respect to issuance of direction to the Appellate Authority to decide the case within a period of four months.

2. The Petitioner in person submits that the said direction is not warranted in the facts and circumstances of the case when this Court has arrived at a conclusion that the order passed by learned Single Judge in Writ Petition (C) No.2718 of 2019 do not call for any interference. The other ground raised by the Petitioner is that no time was granted to him for filing of reply as on the first date of hearing, writ appeal was disposed off.
3. So far as the first ground raised by the Petitioner, we have not passed any order on merits and only issued direction for early disposal (within period of four months) of the appeal filed by Respondents No.1 to 3/Appellants looking to the facts and submissions made by learned counsel for the respective parties, which is not disputed by the Petitioner that the appeal is already filed by the Appellant therein and pending for consideration.
4. So far as the other grounds raised by the Petitioner that the Petitioner has not been granted time and other private Respondent is not noticed is concerned are also not tenable because he was represented by the counsel and on the date of hearing, no such prayer has been made for seeking time to file reply to the writ appeal. The order subject matter of challenge was in petition filed by review Petitioner and it is not the petition of Respondent No.8 who was not represented in appeal.
5. Scope of hearing review petition is very limited. In garb of review petition, Petitioner cannot be permitted to re-argue his case nor the Court can hear it as appeal. Review petition can be entertained only if it is brought to the notice that there is error apparent on the face of the record. The Hon'ble Supreme Court in the matter of **Smt. Meera Bhanja v. Smt. Nirmala Kumari Choudhury** reported in **AIR 1995 SC 455** has held thus :

“8. It is well settled 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,

C.P.C. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, AIR 1979 SC 1047, speaking through Chinnappa Reddy, J., has made the following pertinent observations (para 3):

“It is true there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court.....”

6. In view of above, we do not find any error apparent on the face of the record. The review petition being devoid of substance, is liable to be and is hereby dismissed.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE