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RA-CW-64-2020 in CWP-28807-2018
BHUPINDER PAL SINGH AND ANOTHER
V/S
STATE OF PUNJAB AND OTHERS

Present:- Mr. S.K. Mukhi, Advocate, for the applicants.

Through this application review is sought of judgment dated 19.11.2019, whereby, the writ petition was dismissed.

The facts are not in dispute and are not being reproduced in this order as all facts have been set-out in judgment dated 19.11.2019.

The grounds of review mentioned in the application are :-

- (a) None of the authorities below questioned the power of the Estate Officer to waive extension fee. The finding given in the judgment that the Estate Officer has no jurisdiction, is erroneous as question of jurisdiction was not in issue.
- (b) Judgments referred to by the applicants have been brushed aside lightly, especially, the case of Lambadi Pedda Bhadru and others Vs. Mohd. Ali Hussain and others decided vide judgment dated 4.7.2003 passed by Andhra Pradesh High Court.
- (c) Suo moto powers could have been exercised by the revisional authority, only if, the order sought to be revised was obtained by fraud or forgery.
- (d) Section 45(7) of the Punjab Regional and Town Planning and Development Act, 1995 (for short 'the Act'), has been mis-interpreted
- (e) There is an error apparent on the face of the record as the judgment records that policy of 2018, is not applicable,

whereas, the said policy itself records that it supersedes notifications dated 4.12.2010 and 10.2.2012.

(f) The judgment is incorrect and deserves to be modified.

None of the aforementioned grounds is a ground for review. Review can be allowed, in case, it is shown that an error apparent on the record has crept into the judgment.

Error apparent has been argued only in respect of application of policy of the year 2018. The argument is that the policy of the year 2018 supersedes notifications dated 4.12.2010 and 10.2.2012 and thus, an error apparent has crept into the judgment by recording that the said policy was not applicable. The argument is illogical to say the least. Merely because, the policy of 2018 supersedes the earlier policy does not mean that the same was in existence at the time of passing of order dated 28.10.2013. The argument, thus, deserves rejection.

Argument regarding mis-interpretation of Section 45(7) of the Act deserves to be rejected on the ground that passing of an incorrect judgment is no ground for review. All the other arguments raised and grounds taken also deserve to be rejected for the same reason.

Thus, the review application is rejected.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

3.12.2020
Ramandeep Singh