

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 146 OF 2021**

- Vijay Kumar Gupta, S/o Beni Madhav Gupta, aged about 51 years, R/o Village Rajouti, P.S. & Tahsil Sitapur, District Surguja (C.G.)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Forest, Govt. of Chhattisgarh, Mahanadi Bhavan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
2. The Appellate Authority/Conservator of Forest, Surguja, Forest Circle, Ambikapur, District Surguja (C.G.)
3. The Competent Authority/Sub Divisional Officer (Forest), Dhaupur, District Surguja (C.G.)

... Respondents

For Petitioner	:	Mr. M.P.S. Bhatia, Advocate.
For Respondents 1 & 3	:	Ms. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[10/12/2021]**

1. The present Review Petition has been filed by Applicant/Petitioner seeking for review of the Order dated 5.9.2011 passed by this Court in W.P.(Cr.) No.23/2007.
2. A vehicle, Max Pick-up having Registration No.CG15/A-3213, was confiscated by Respondent No.3 in a proceeding under the Indian Forest Act, 1927 for which a confiscation proceeding was initiated against the Petitioner and which stood finalised vide Order dated 27.12.2006 whereby the Criminal Revision preferred by the Petitioner before Respondent No.2 stood rejected.
3. Against the said Order dated 27.12.2006 passed in Criminal Revision No.234/2006, the Petitioner had approached this Court by filing a Writ Petition i.e. W.P.(Cr.) No.23/2007. This Court had while deciding the said Writ Petition finally dismissed the same on 5.9.2011. The Petitioner had not further challenged the Order dated 5.9.2011 before any Forum and by efflux of time the said Order has since attained its finality.

4. There appears to be certain subsequent developments in the Criminal Cases that were also simultaneously instituted against the accused persons. Those criminal cases were finally decided on 29.11.2017 where the two accused persons were convicted for the offence punishable under Section 420/34 of the Indian Penal Code.

5. The Petitioner thereafter in the year 2020 again approached this Court vide W.P.(Cr.) No.230/2020 bringing certain subsequent developments on record and seeking for the same relief that he had sought for in the earlier W.P.(Cr.) No.23/2007. The said Writ Petition got dismissed in *limine* on 1.6.2020. Against the said Order, the Petitioner thereafter preferred Writ Appeal No.347/2020 which has been withdrawn by the Petitioner on 16.9.2021 with a liberty to file a Review Petition. The Petitioner thereafter has preferred the present Review Petition.

6. So far as the scope of interference by the High Court in review jurisdiction is concerned, it is by now a well settled preposition of law that the review petition would be entertained only in the event of there being an apparent error on the face of record. It is trite at this juncture to refer to certain decisions rendered by the Hon'ble Supreme Court on the question of entertaining the review petition in the matters of *Kerala State Electricity Board Vs. Hitech Electrothermics & Hydropower Ltd. & Ors.*, 2002 (6) SCC 651, *Government of T.N. & Ors. Vs. Ananchu Asari & Ors.*, 2005 (2) SCC 332, *Ajit Kumar Rath Vs. State of Orissa & Ors.*, AIR 2000 SC 85, *Lily Thomas etc. Vs. Union of India & Ors.*, AIR 2000 SC 1650 and *Meera Bhanjan Vs. Smt. Nirmal Kumar Chowdhary*, AIR 1995 SC 455.

7. In the instant case, the very basis on which the Review Petition has been filed is certain subsequent developments that have transpired. The subsequent developments that have transpired cannot now be a ground for seeking a review of the Order passed on facts as it stood on the date

of dismissal of the Writ Petition. Moreover, in the instant case, there is an unexplained inordinate delay on the part of the Petitioner in approaching the Court seeking for review. Apart from this, the order against which the review is being sought has by efflux of time attained its finality. The Petitioner under the changed circumstances cannot be permitted to seek review of the Order which was passed a decade ago.

8. The Review Petition in the given facts and circumstances is also not maintainable, for the reason that the Petitioner had already availed another line of litigation by filing a fresh Writ Petition which this Court had dismissed and it is after all these developments that the Petitioner has now thought of filing of the present Review Petition.

9. Thus, in view of above, this Court is of the firm view that the present Review Petition is totally misconceived and frivolous and the same therefore deserves to be and is accordingly dismissed with a cost of Rs.5000/- (Five Thousand only) to be paid by the Petitioner to the Chhattisgarh High Court Legal Services Committee, Bilaspur within a period of sixty days from the date of receipt of copy of this Order.

10. Review Petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge