

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 166 OF 2021**

- N.C. Mallick, S/o Late Shri Nalini Mallick, aged about 66 years, R/o House No.D.N.K. 35, Mana Camp, Tahsil Raipur, District Raipur (C.G.)

... Applicant**versus**

1. State of Chhattisgarh, through the Secretary, Department of Revenue and Disaster Management, Mantralaya at Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur (C.G.) 492002.
2. Collector, District Raipur (C.G.)
3. SDO cum Commandant, Chhattisgarh Rehabilitation Department, Mana Camp, District Raipur (C.G.) 492015.
4. Naib Tahsildar, Raipur, District Raipur (C.G.) 492001.
5. Commandant P.L. Homes, Mana Camp, Raipur (C.G.) 492015.
6. Bhagwat Prasad Koshle, S/o Late Babulal Koshle, aged about 36 years, Head Constable (Driver), V.I.P. Defense Battalion, Mana Camp, District Raipur (C.G.) 492015. R/o Quarter No.B/06, New Land, Kripavan Colony, Ward No.06, Mana Camp, District Raipur (C.G.) 492015.

... Non-applicants

For Applicant	:	Mr. Ghanshyam Kashyap, Advocate.
For Respondents 1 to 5	:	Mr. Rahul Jha, Govt. Advocate.
For Respondent 6	:	Mr. Ankur Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[17/12/2021]**

1. The present is a Review Petition filed by the Applicant seeking for review of the Order dated 7.9.2021 passed by this Court in W.P.(S) No.4714/2021.

2. The said Writ Petition was filed by one Shri Bhagwat Prasad Koshle i.e., Respondent No.6 herein, seeking for an appropriate direction to the State Authorities for ensuring the Petitioner grant of an official quarter i.e. Qtr. No. DNK-35 located at Mana Camp, Raipur.

3. This Court had, at the stage of admission, disposed of the said Writ Petition stating that since there was an official order of allotment of the said quarter in favour of the Petitioner i.e. Shri Bhagwat Prasad Koshle, the Authorities to take steps for ensuring the order of allotment is acted upon.

4. Contention of the learned Counsel for the Applicant is that the Applicant has already moved an application before the Department seeking for permanent allotment of the quarter considering the fact that he is a refugee who had come from the West Pakistan region (now Bangladesh) and they were settled at Mana Camp, Raipur which was a settlement camp at that point of time. There is a guideline framed whereby the people like the present Applicant would be entitled for the permanent allotment of a quarter.

5. Be that as it may, what needs to be considered is that there appears to be an official order of allotment in favour of Respondent No.6 herein which was passed as early as on 4.12.2020. That order of allotment is not questioned by the Applicant or, for that matter, by any other employee in the Department. That order has since attained its finality as of now. Non-implementation of the said order has led to the filing of the aforesaid Writ Petition and which was disposed of with a direction to the Authorities to ensure compliance of their own decision.

6. The facts and grounds that the Applicant tries to raise in the present Review Petition would not be a ground available for review of the Order *inasmuch* as the Applicant has not been able to point out an error apparent on the face of record on the basis of which could there be a scope of review.

7. The Applicant in the instant case does not dispute the fact that there is an official order of allotment of the quarter in favour of the Petitioner i.e. Respondent No.6 herein.

8. Learned Counsel for Applicant submits that there is an order of allotment of the said quarter which was issued in favour of the Applicant as early as in the year 1994 and which till date has not been cancelled.

9. If that be the fact, nothing prevents the Applicant to apprise the Respondents in this regard and can also seek for modification of the order of allotment in favour of Respondent No.6, which too does not seem to have been pursued by the Applicant.

10. Given the said facts, this Court does not find any strong case made out by the Applicant for review of the Order dated 7.9.2021 passed in W.P. (S) No.4714/2021.

11. Review Petition accordingly stands disposed of. However, the disposal of the present Review Petition would not preclude the Applicant for taking other remedy either on the judicial side or on the administrative side.

Sd/-
(P. Sam Koshy)
Judge