

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.22 of 2022

In
Civil Writ Jurisdiction Case No.18332 of 2021

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M/s Medicine Palace, West Boring Canal Road, Patna - 800001, through its Proprietor Mr. Anjani Kumar Singh aged about 62 years, S/o Late Ram Chandra Prasad Singh, Resident of At and P.O. - Hasanpur, P.S. - Mahnar, District - Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through its Ministry of Health and Family Welfare, Government of India, New Delhi – 110001.
2. The Director, All India Institute of Medical Science, Phulwarisharif, District - Patna - 801505 Bihar.
3. The Deputy Director (Administration), All India Institute of Medical Phulwarisharif, District - Patna - 801505 Bihar.
4. The State of Bihar, through the State Licensing Authority Cum Drug Control Administration Patna in the Department of Health, Government of Bihar, District – Patna.
5. The State of Bihar through Principal Secretary, Health Deptt.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ambuj Kumar Chandra, Advocate
For the State	:	Mr. Akash Chaturvedi AC to SC-11
For the AIIMS, Patna	:	Mr. Binay Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)



Date : 20-03-2025

The review petitioner has assailed the order of the co-ordinate bench dated 01.02.2022 passed in CWJC No. 18332 of 2021.

2. Learned counsel for the review petitioner Mr. Ambuj Kumar Chandra, has appeared in CWJC No. 18332 of 2021. It was oral judgment and at his behest, the following order was passed:-

“8. After the matter was heard for some time, learned counsel for the petitioner made the following prayers:-

(a) Petitioner be permitted to remove the goods which are lying inside the shop.

(b) Petitioner shall withdraw all criminal case(s) instituted against the respondents.

(c) Petitioner be granted liberty to claim damages with respect to certain articles which were procured by him only on the asking of the respondents.

(d) Lawful possession of the shop be deemed to be with the respondent-AIIMS.

9. Sri Binay Kumar Pandey, learned counsel appearing for the respondent-AIIMS stated that he has no objection to the disposal of the petitions accepting the submissions made by the petitioner, to be taken on record.

10. Ordered accordingly.

11. Both the Petitions are disposed of on the following mutually agreeable terms:-

(a) Petitioner shall forthwith withdraw all criminal case(s) instituted against the respondents, in relation to the shop in question.

(b) Respondents shall allow the petitioner to remove the articles from the shop. This must be done within next twenty four hours.

(c) Petitioner shall make himself available in the office of the Director, AIIMS tomorrow, i.e. 02.02.2022, at 10 a.m. for facilitating removal of



articles and preparing an inventory. However, if the petitioner fails to do so, it shall be open to the Director, AIIMS to have the lock broken open and remove the goods by getting an inventory prepared, also videograph the entire proceedings. Such articles shall be kept in safe custody to be received by the petitioner.

(d) Inventory of the articles shall be prepared in the presence of the authorized officer of the AIIMS and the petitioner.

(e) Respondents shall proceed with the tender now issued and finalize it at the earliest.

(f) Liberty reserved to the petitioner to institute appropriate proceedings seeking compensation. As and when such proceedings are instituted, the same shall be adjudicated expeditiously, in accordance with law.

(g) Respondents shall consider waiving of the charges for the unauthorized occupation of the shop from the year 2019 onwards.”

3. Now, he is taking a different stand that his undertaking or submission at para 8(b) is incorrect and on this score, he is seeking for review.

4. Having regard to the fact that it was an open court dictation and in the presence of Mr. Ambuj Kumar Chandra learned counsel for the petitioner, the order has been passed by the co-ordinate bench. Therefore, the review petitioner has not been able to make out a case so as to review the order dated 01.02.2022 passed in CWJC No. 18332 of 2021.

5. In view of the fact that the scope of review petition under Order 47 Rule 1 of CPC is limited. The Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal v. State Tax***



Officer (1) & Anr. reported in **2023 SCC OnLine SC 1406** laid down the guidelines in paragraph-16, under what circumstances, Court can review its own order. They are as under:

“16. The gist of the afore-stated decisions is that:—

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co- ordinate or larger Bench by itself cannot be regarded as a ground for review.”

5. In the light of these facts and circumstances, the present Civil Review stands dismissed.



6. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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