

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.311 of 2022

In
Civil Writ Jurisdiction Case No.13967 of 2022

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Jinis Saday S/o Mauje Saday R/o Village- Belhwar, P.S.- Rajnagar, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate-cum- Collector, Madhubani.
4. The Sub Divisional Officer, Madhubani, District- Madhubani.
5. The Circle Officer, Rajnagar, District- Madhubani.
6. The Municipal Corporation, Madhubani through its Commissioner.
7. The Commissioner, Municipal Corporation, Madhubani.
8. Sonu Mishra, S/o Chandra Shekhar Mishra, R/o Village- Ahmada, P.S.- Rajnagar, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Advocate
For the State	:	Mr. YP Sinha, AAG 7
		Mr. Shankar Kumar, AC to AAG 7
For Respondents	:	Mr. Nilendu Kumar Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 24-04-2025 The present civil review petition has been filed in recalling the order dated 16.09.2022 passed in CWJC No. 13967 of 2022. The review petitioner instead of pointing out error apparent on the face of the record, he is re-arguing the writ petition with reference to Section 5 of the Municipal Act, 2007. He has admitted that Section 5 of the Municipal Act, 2007 was



not argued in CWJC No. 13967 of 2022, in such an event there is no question of reviewing the order dated 16.09.2022 passed in CWJC No. 13967 of 2022.

2. The Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal vs. State Tax Officer (1) & Anr.*** reported in **2023 SCC OnLine SC 1406** examined the scope of civil review and following eight points in paragraph No. 16 have been taken into consideration for the purpose of examining whether Courts can undertake review of the judgement or not.

“16. The gist of the aforestated decisions is that:

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

16.2. 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.

16.3. 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.

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

16.5. A review petition has a limited purpose and cannot be allowed to be “an appeal in



disguise”.

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

16.7. 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.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.”

3. Taking note of these facts and circumstances, petitioner has not made out a case. Accordingly, present Civil Review No. 311 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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