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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 307 of 2026

Gram Panchayat Tandwa Through Sarpanch Smt. Yogita Verma W/o Krishna Kumar Verma Aged About 48 Years R/o Village Tandawa, Tahsil Tilda, District Raipur (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur Atal Nagar, Distt- Raipur (C.G.)
2 - Revenue Inspector, Tandwa 04, Distt- Raipur (C.G.)
3 - Collector, Distt- Raipur (C.G.)
4 - Tahsildar, Tilda Neora, Distt- Raipur (C.G.)
5 - Chief General Manager Land Acquisition Branch C.S.I.D.C. Distt- Raipur (C.G.)
6 - Chhattisgarh State Industrial Development Corporation (C.S.I.D.C.), Through Its Managing Director, 1st Floor, Udyog Bhawan, Ring Road No. 1 Telibandha, Distt- Raipur (C.G.)
7 - Shri Bajrang Power And Ispat Limited, Village Tandwa, Tahsil Tilda Neora, Distt- Raipur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	**:**	Ms. Chetna Sharma
For State	**:**	Mr. Shobhit Mishra, Dy. Govt. Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

28.10.2026

1. By filing the present review petition, the review petitioner seeks review and recall of the order dated 10.07.2026 passed by this Court in WPC No. 3672/2022, whereby the writ petition preferred by the petitioner, Gram Panchayat Tandwa, represented through its

Sarpanch, was dismissed as not pressed, and further seeks restoration of the writ petition to its original file and number for consideration on merits.

2. Learned counsel appearing for the review petitioner submits that the order under review was passed on the basis of the submission made on behalf of the respondents that an alternative Nistari pathway was available to the villagers and, in view of the said submission, learned counsel appearing for the petitioner in the original writ petition stated that he did not wish to press the petition. It is contended that, in fact, no effective alternative Nistari pathway has been provided to the villagers and that the road referred to by the respondents is merely a canal maintenance road belonging to the Water Resources Department, which cannot be equated with the existing public/Nistari pathway situated over Government land bearing Khasra No. 508/1, admeasuring 9.807 hectares, at Village Tandwa, Tahsil Tilda-Neora, District Raipur. Learned counsel further submits that the original writ petition was instituted for protection of the public pathway, which had been in existence and use for a considerable period and was being used by the villagers for accessing their residential houses, agricultural lands and other essential facilities. In support of the said contention, reliance has been placed upon the revenue records, Khasra Panchshala, maps and resolutions passed by the Gram Panchayat from time to time regarding the construction and maintenance of the pathway through MGNREGA and Panchayat funds.

3. Learned counsel further submits that, before making the statement for not pressing the original writ petition, no resolution authorising withdrawal of the petition had been passed by the Gram Panchayat and the villagers were also unaware of the fact that the petition was not being pressed. It is contended that the submission made on behalf of the respondents regarding the availability of an alternative Nistari pathway was not supported by any relevant record and that the review petitioner had no effective opportunity to verify the correctness of the said submission. Learned counsel also submits that subsequent developments in the area, including the construction of industrial establishments, colony premises, boundary walls and internal roads, have further aggravated the difficulties faced by the villagers. It is, therefore, contended that the grievance raised in the original writ petition continues to subsist and affects a large number of villagers, students, employees, patients and other persons who were using the pathway. On these grounds, learned counsel prays that the order dated 10.07.2026 be recalled and the original writ petition be restored for adjudication on merits.

4. Per contra, learned State counsel opposes the review petition and submits that the order under review was passed after recording the submissions advanced by the learned counsel appearing for the respective parties. It is contended that, during the hearing of the original writ petition, learned counsel for the petitioner himself made a statement that, in view of the availability of an alternative Nistari pathway, he did not wish to press the petition. Accordingly, this Court dismissed the writ petition as not pressed. Learned State counsel

submits that the review petitioner cannot seek recall of the order merely on the ground that the consequences of the statement made before this Court are now considered unfavourable or that a different course of action ought to have been adopted. It is further contended that the grounds raised in the review petition essentially seek reconsideration of the dispute on merits, which is beyond the permissible scope of review. Accordingly, dismissal of the review petition is prayed for.

5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the principal ground urged by the review petitioner is that the order dated 10.07.2026 was passed on the basis of the submission made on behalf of the respondents regarding the availability of an alternative Nistari pathway, whereas, according to the review petitioner, the said pathway is merely a canal maintenance road belonging to the Water Resources Department and cannot be treated as an effective alternative to the existing public pathway. The review petitioner has also questioned the authority of the counsel who made the statement for not pressing the original writ petition, contending that no resolution authorising such a course of action had been passed by the Gram Panchayat.

6. It is, however, evident from the order under review that the rival submissions advanced by the learned counsel appearing for the parties were duly recorded. The submission on behalf of the respondents that the land in question had been allotted to the CSIDC

for industrial development and that construction had already been undertaken thereon was also recorded. The order further reflects that the learned counsel appearing for the petitioner, upon the submission regarding the availability of an alternative Nistari pathway, expressly stated that he did not wish to press the writ petition. It was pursuant to the aforesaid statement that the writ petition was dismissed as not pressed. Thus, the order under review was not an adjudication of the disputed questions concerning the nature of the land, the existence of the pathway, the alleged availability of an alternative route or the respective rights of the parties. Rather, the writ petition was disposed of in accordance with the statement made by the learned counsel appearing for the petitioner.

7. It is well settled that the scope of review jurisdiction under Order XLVII of the Code of Civil Procedure, 1908, is extremely limited. Review is permissible only to correct a manifest error or an error apparent on the face of the record. Re-appreciation or re-evaluation of evidence, reassessment of facts, or substitution of one conclusion for another amounts to appellate jurisdiction, which is impermissible in review proceedings. (***Devaraju Pillai v. Sellayya Pillai[1], Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)[2], Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others[3], Lily Thomas etc. v. Union of India and others[4], Akhilesh Yavad v. Vishwanath Chaturvedi***

1 (1987) 1 SCC 61

2 (1995) 1 SCC 170

3 (1996) 10 SCC 174

4 AIR 2000 SC 1650

***and others[5] and Sasi (D) through LRS. v. Aravindakshan Nair and others[6].*)**

8. Very recently in ***Malleeswari v. K. Suguna and another, 2025 SCC OnLine SC 1927***, the Hon'ble Supreme Court has observed as under :-

> "15. *It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions:*
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> *15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC. (Meera Bhanja v. Nirmala Kumari Choudhary, (1995) 1 SCC 170).*
>
> *15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court. (Aribam Tuleshwar Sharma v Aribam Pishak Sharma, (1979) 4 SCC 389).*
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> *15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a*

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5 (2013) 2 SCC 1

6 (2017) 4 SCC 692

limited purpose and cannot be allowed to be an appeal in disguise. (Pursion Devtu. Sumitri Devi, (1997) 8 SCC 715).

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power. (Lily Thomas Union of India, (2000) 6 SCC 224).

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered, (Inderchand Jain v. Motilal, (2009) 14 SCC 663). Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors. (Shivdev Singh State of Punjah, AIR (1963) SC 1909)."

9. In the present case, the contention that the alleged alternative pathway is merely a canal maintenance road, as well as the assertions concerning subsequent construction activities and the continuing inconvenience to the villagers, essentially relate to the underlying merits of the dispute. Such contentions, by themselves, do not demonstrate any error apparent on the face of the order dated 10.07.2026. So far as the contention regarding the absence of a resolution of the Gram Panchayat authorising the decision not to press the original writ petition is concerned, the same does not, in the facts of the present case, establish an error apparent on the face of the order passed by this Court. The order under review records the statement made by the learned counsel appearing for the

petitioner and the consequential disposal of the writ petition. The present review proceedings cannot be converted into an inquiry into the internal decision-making process of the Gram Panchayat or the circumstances in which the statement was made, particularly when no error apparent on the face of the judicial order has otherwise been demonstrated. The grievance that the villagers were unaware of the decision or that the statement was made without proper authorisation would require consideration of matters beyond the record forming the basis of the order under review and cannot, in the circumstances of the present case, furnish a ground for exercising the limited jurisdiction of review.

10. This Court is also conscious of the submission that the pathway in question is used by the villagers for accessing their residential houses, agricultural lands and other essential public facilities. However, the question whether the existing pathway constitutes a public/Nistari pathway, whether the canal maintenance road can serve as an adequate alternative, and whether any action taken by the authorities has adversely affected the rights of the villagers are matters pertaining to the substantive dispute raised in the original writ petition. Since the original writ petition was dismissed as not pressed and the disputed questions were not adjudicated on merits, the said issues cannot be examined afresh in the present proceedings unless a legally sustainable ground for review of the order is first established. The grounds urged by the review petitioner, when considered in their entirety, do not satisfy the requirements for review of the order dated 10.07.2026.

11. In view of the foregoing discussion, this Court is of the considered opinion that the review petitioner has failed to establish any error apparent on the face of the record or any other sufficient ground warranting review and recall of the order dated 10.07.2026 passed in WPC No. 3672/2022. The grounds raised in the review petition essentially seek reconsideration of the controversy underlying the original writ petition, which is impermissible in the exercise of review jurisdiction. Consequently, the review petition, being devoid of merit, is liable to be and is hereby dismissed.

12. There shall be no order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh