



2026:CGHC:7359

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 38 of 2026

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Division Railway Manager South East Central Railway Bilaspur Tahsil
And District - Bilaspur Chhattisgarh (Respondent No. 2)

... Petitioner(s)

versus

- 1** - Sonmatiya W/o Nandkumar Aged About 83 Years R/o Village -
Matin Tahsil - Pasan, District Korba Chhattisgarh
- 2** - State Of Chhattisgarh Through Collector, Korba Chhattisgarh
(Respondent No. 1)
- 3** - Sub-Division Officer Podi - Uproda District - Korba Chhattisgarh
(Respondent No. 3)
- 4** - Tahsildar Pasan Tahsil Pasan District Korba Chhattisgarh
(Respondent No. 4)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:Shri Tushar Dhar Diwan, Advocate
For Respondent No. 1	:Shri Kripesh G. Kela, Advocate
For Respondents/State	:Shri Anand Gupta, Dy. Govt Advocate.

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

10.02.2026

1. By the present review petition, the applicant (respondent No.2 in WPC) seeks review of the order dated 28.01.2025 passed by this Court in WPC No. 5085 of 2024 (Sonmatiya v State of Chhattisgarh & Others), whereby the said petition was disposed of observing thus:

5. In view of the pleadings made by leaned counsel for the petitioner, the SDO, Podi-Uproda, District:Korba/respondent is directed to make a verification/demarcation of the land of the petitioner afresh in accordance with law and if it is found that the petitioner's land has been used for construction of railway line, necessary steps be taken for payment of compensation to the petitioner within a period of fifty days, in accordance with law.

2. Learned counsel for the applicant submits that the order dated 28.01.2025 was passed without affording an opportunity to file a reply, thereby preventing the applicant

from placing relevant facts and law before this Court. It is further submitted that the land acquisition process has already been initiated under the Railways Act, 1989, and notifications under Sections 20A and 20E have been issued on 03.10.2025 and 03.12.2025 respectively in respect of the petitioner's land. The applicant is not disputing the petitioner's claim; however, acquisition and payment of compensation are governed by a statutory procedure which necessarily takes time. Reliance is placed on the settled position of law that land can be acquired only by following due process as mandated under Article 300A of the Constitution. As regards the contempt petition, it is submitted that necessary steps for acquisition have already been initiated and compensation shall be disbursed upon completion of the statutory process. The delay is procedural and not willful, and the applicant is taking all necessary steps and remains duty bound to award compensation in accordance with law.

3. Learned counsel further submits that the writ petitioner has filed a contempt petition being CONT No. 1056/2025 alleging non-compliance of the order regarding payment of compensation. It is submitted that the said contempt petition

is misconceived, as necessary steps for acquisition of the land have already been initiated in accordance with law. The order of this Court directed that "necessary steps be taken for payment of compensation", and in compliance thereof the acquisition process under the Railways Act has already commenced. The payment of compensation shall be made upon completion of the statutory acquisition process, which involves prescribed procedural formalities and therefore requires time. There is no willful or deliberate disobedience of the order of this Court on the part of the applicant, who is taking all necessary steps and remains duty bound to comply with the directions in accordance with law.

4. Learned counsel appearing for the writ petitioner (respondent No.1 herein) submits that a demarcation report of the land in question has been made by the respondent No.4 vide Annexure P-3. The demarcation report was prepared by the Revenue Inspector which was submitted to the Tahsildar and on the basis of which, the petitioner/respondent No. 1 herein is claiming compensation towards the land which has been used by the applicant/Railway for construction of railway line. He further submits that the respondent No.1 has submitted a

representation before the respondent Nos.1 to 3 in WPC No. 5085/2024, but till date, no steps has been taken by the respondents for payment of compensation to the petitioner/respondent No.1 herein.

5. According to the learned counsel, the review petition is not maintainable because under the garb of Review Application, the applicant was seeking to urge the merits of the decision all over again which is impermissible under the review jurisdiction. The order of which review is sought is reasoned and discussed. There is no error apparent on the face of the record to warrant invocation of review jurisdiction.
6. Heard the learned counsel for the parties and perused the order under review.
7. The Scope of the review jurisdiction is narrow confined to errors apparent on the face of the record or if a relevant provision of law had been overlooked. In other words, it is only a patent error which is amenable to review and not an error which may have to be discovered by a process of reasoning and what may be called a virtual re-hearing of the matter. In the garb of a Review Petition, we cannot sit in judgment over our own order. In the order dated 28.01.2025,

which is sought to be reviewed, we have set out our complete understanding of the order of the learned Single Judge to arrive at our own reasoned conclusion. We are, therefore not satisfied that the Review application is maintainable, if the petitioner is aggrieved, the remedy is different.

8. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law as has been held in catena of judgments by the Hon'ble Apex Court, such as **Devaraju Pillai v. Sellayya Pillai**, reported in **(1987) 1 SCC 61**, **Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)**, reported in **(1995) 1 SCC 170**, **Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others**, reported in **(1996) 10 SCC 174**, **Lily Thomas etc. v. Union of India and others**, reported in **AIR 2000 SC 1650**, **Akhilesh Yavad v. Vishwanath Chaturvedi and others**, reported in **(2013) 2 SCC 1** and **Sasi (D) through LRS. v. Aravindakshan Nair and others**, reported in **(2017) 4 SCC 692**).

9. The ground raised by the review petitioner in this review petition cannot be permitted to be raised in review petition. Even otherwise, there is no error apparent on the face of record in the order under review warranting invocation of review jurisdiction.
10. As an upshot, the review petition is dismissed.
11. The review petitioner is at liberty to file reply in the contempt petition stating whether the proceeding or steps have been taken within 50 days or not after the demarcation of the land of the petitioner as directed by this Court in WPC No. 5085/2024.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Shoaib