
(2013) 11 CHH CK 0022
In the Chhattisgarh High Court
Case No : Review Petition No. 218 of 2013

C.D. Tirkey

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

Date of Decision : 01-11-2013

Acts Referred:

Citation : (2013) 11 CHH CK 0022

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J.—The matter is taken up for consideration in the chamber under provisions of sub-rule (2) of Rule 90 under Chapter VI of the High Court of Chhattisgarh Rules, 2007. The review petitioner (for short "the petitioner") seeks review of the order dated 9-10-2013 passed in WP (S) No. 3321 of 2013 on the ground that due to inadvertence certain facts & grounds have not been brought before this Court by the petitioner at the time of filing of writ petition or during the course of hearing of the said writ petition.

2. It is indisputable that the order dated 9-10-2013, which is sought to be reviewed herein, has been passed by this Court in WP (S) No. 3321 of 2013 on the submission made by the learned counsel appearing for the petitioner to the extent that "learned counsel for the petitioner, seeks permission of the Court to withdraw the writ petition." It is also not in dispute that while withdrawing the said writ petition, the petition has not sought any liberty to revive his prayer before this Court, if occasion arises.

3. It appears that the petitioner by presentation of this review petition seeks an opportunity to argue the entire case afresh on merits under the garb of the review petition, which is not permissible and tenable in law.

4. It is a trite law that an order which is in the nature of consent order cannot be reviewed or re-called. (See Chitranjan Burman Vs. Om Prakash Bajoria and

Others,

5. It is also the well settled principle of law that under the garb of review petition, the petitioner should not be permitted to argue the entire case afresh, which would amount to convert the review petition into an appeal and the same is not sustainable in law. (See: Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhury, Lily Thomas, Vs. Union of India and Others, Ajit Kumar Rath Vs. State of Orissa and Others, The Government of Tamil Nadu and Others Vs. M. Ananchu Asari and Others, and Kerala State Electricity Board Vs. Hitech Electrothermics and Hydropower Ltd. and Others, In view of foregoing, the review petition, sans substratum, is liable to be and is hereby dismissed.