
(2025) 11 CHH CK 1799
In the Chhattisgarh High Court
Case No : REVP No. 376 Of 2025

Ganpat Ram Chelkar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 14-11-2025

Acts Referred:

Land Acquisition, Rehabilitation & Resettlement Act, 2013 — Section 24, 24(2)
Code of Civil Procedure, 1908 — Section 114, Order 47 Rule 1

Citation : (2025) 11 CHH CK 1799

Hon'ble Judges : Rakesh Mohan Pandey, J

Bench : Single Bench

Advocate : Animesh Verma, Pramod Shrivastava

Final Decision : Dismissed

Judgement

Rakesh Mohan Pandey, J

1. By way of this review petition, the review petitioners have sought recall/modification of the order dated 22.04.2024, passed in WPC No. 4883 of 2023.

2. Learned counsel for the review petitioners submits that land of the petitioners was acquired for construction of road, but the amount of compensation was not paid prior to 26.09.2013, and therefore, direction should have been passed to make payment of compensation according to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013(for short "Act, 2013"). It is also submitted that the law on the subject is clear and unambiguous and non-compliance has resulted into a miscarriage of justice, which is apparent on the face of record. He would refer Section 24 of the Act, 2013 which states that if the compensation has not been paid to the beneficiary and award has been passed five years or more prior to the commencement of the Act, 2013 then the acquisition proceeding shall deemed to have lapsed and new acquisition proceedings has to be initiated in accordance with the provisions of new Act of 2013. He would further submit that

the order passed in WPC No. 4883 of 2023, whereby, the State authorities were directed to make payment of compensation of Rs. 1944.80/- to the petitioner would lead to miscarriage of justice. Thus, he would pray to re-call the order passed in WPC No. 4883 of 2023 dated 22.04.2024.

3. On the other hand, learned counsel appearing for the State would oppose the submissions made by Mr. Animesh Verma, Advocate.

4. Heard.

5. The Hon'ble Supreme Court in the matter of Indore Development Authority vs. Manoharlal and Others, reported in (2020) 8 SCC 129 in para 366.3 held as under :-

"366.3 The word "or" used in Section 24(2) between possession and compensation has to be read as "nor" or as "and". The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse."

6. The facts stated in WPC No. 4883 of 2023 and the instant review petition are that land of the petitioner was acquired for construction of road and amount of compensation was deposited with the Land Acquisition Officer. The review petitioners have specially pleaded this fact in the review petition as the possession of the acquired land was taken over by the State authorities and amount of compensation was deposited with the Land Acquisition Officer. In the light of judgment passed in the matter of Indore Development Authority (supra), the review petitioners shall not be entitled to claim compensation according to provisions of Act, 2013 as land was acquired and compensation was deposited. The contention made by Mr. Verma in this regard cannot be accepted.

7. Section 114 of the CPC vests power of review in Courts and Order 47 Rule 1 of the CPC provides for the scope and procedure for filing a review. The same is reproduced hereunder:-

"Order 47 Rule 1 CPC:

"1. Application for review of judgment- Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed,

or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of

due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (emphasis supplied)

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

Explanation: The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

8. In the matter of Parsion Devi and others v. Sumitri Devi and others, 1997 (8) SCC 715, the Hon'ble Supreme Court in para-9 held as under:-

9. "Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power review under Order

47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."

9. In the matter of Perry Kansagra v. Smriti Madan Kansagra, 2019 (20) SCC 753, the Hon'ble Supreme Court in para 15.1 held that:-

15.1. In Inderchand Jain it was observed in paras 10, 11 and 33 as under: (SCC pp. 669 & 675)"

10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

11. Review is not appeal in disguise. In Lily Thomas v. Union of India this Court held: (SCC p. 251, para 56)

56. It follows, therefore, that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be

treated like an appeal in disguise."

33. The High Court had rightly noticed the review jurisdiction of the court, which is as under:

"The law on the subject exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact of law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine *actus curiae neminem gravabit*. In our opinion, the principles of law enumerated by it, in the facts of this case, have wrongly been applied.

10. In the matter of *M/S Shanti Conductors (P) Ltd v. Assam State Electricity Board*, 2020 (2) SCC 677, the Hon'ble Supreme Court dismissed the petition and held that "The scope of review is limited and under the guise of review, petitioner cannot be permitted to reagitate and reargue the questions, which have already been addressed and decided."

11. In the matter of *Beghar Foundation v. K.S. Puttaswamy*, (2021) 3 SCC 1, the Hon'ble Supreme Court held that "even the change in law of or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review."

12. In the present review petition, the petitioner has prayed for the recall of the order passed by this Court in WPC No. 4883 of 2023. The prayer made by the review petitioners appears to be misconceived. Further, the case WPC No. 4883 of 2023 was decided by this Court on 22.04.2024 after discussing the facts and going through the documents available on the record; there is no error of law apparent on the face of the record. Mr. Shalvik Tiwari, Advocate marked his presence for the petitioners therein and submissions made by him were recorded verbatim, wherein there was no whisper with regard to the pleadings advanced herein above, therefore, the prayer sought for modifying/recalling of the order passed in WPC No. 4883 of 2023 by way of this review petition is not permissible, and in the opinion of this Court, no ground is made out for review.

13. Consequently, the instant review petition is hereby dismissed.