

(2019) 07 CHH CK 0073
In the Chhattisgarh High Court
Case No : REVP No. 65 Of 2019

Narendra Kumar Chandravanshi

APPELLANT

Vs

Commissioner Division-Durg, And Ors

RESPONDENT

Date of Decision : 11-07-2019

Acts Referred:

High Court Of Chhattisgarh Rules, 2007 — Rule 90(2)
Code Of Civil Procedure, 1908 — Order 47 Rule 1
Constitution Of India, 1950 — Article 226

Citation : (2019) 07 CHH CK 0073

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. 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.

2. The Review-petitioner (in short the petitioner) seeks review of the order dated 13.02.2019 passed in WPC No.1674/2018 on the ground that during pendency of the revision before respondent No.1 the notification for election on the post of Sarpanch was informed and as such the order dated 13.06.2018 is a mere formality and the same violates the Statutory Right of the petitioner.

3. After going through the record it is apparent that this Court passed the order dated 13.02.2019 in presence of both the parties and observed that the authority competent to pass orders under any statute or guidelines is like an expert body when it has passed the order with reference to certain guidelines and the same is not interferable in writ jurisdiction unless the same is palpably illegal and perverse."

4. On consideration of the above-stated grounds, which are in the nature of

taking liberty to re-argue the writ petition are unsustainable in the eyes of law. The petitioner cannot be allowed to commit a volte-face and take up new pleas in review petition.

5. There is no other ground pointed out by the petitioner showing any manifest error on the record and has not further brought into the notice, any new facts, which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that 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 the Code of Civil Procedure. Even in exercise of review jurisdiction by the High Court under Article 226 of the constitution, the petitioner has not produced any ground for review.

6. 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.

7. It is 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 REVP No. 65 of 2019 review petition into an appeal and the same is not sustainable in law. (See: Meera Bhanjan v. Smt. Nirmal Kumar Chowdhary, AIR 1995 SC 455. Lily Thomas etc. v. Union of India and others, AIR 2000 SC 1650, Ajit Kumar Rath v. State of Orissa and others, AIR 2000 SC 85, Government of T.N. & Others v. M. Ananchu Asari and others, (2005) 2 SCC 332, and Kerla State Electricity Board v. Hitech Electrothemicsm & Hydropower Ltd. And others, (2005) 6 SCC 651.

8. As a sequel, the review petition, sans substratum is liable to be and is hereby dismissed.