
(1986) 05 GAU CK 0002
In the Gauhati High Court
Case No : Civil Rule No. 147/86

Sri Buddheswar Dowari

APPELLANT

Vs

The State of Assam and Others

RESPONDENT

Date of Decision : 21-05-1986

Acts Referred:

Citation : (1986) 2 GLR 106

Hon'ble Judges : S.N. Phukan, J;K.N. Saikia, J

Bench : Division Bench

Advocate : A.C. Burugohain, for the Appellant; B. Sarma, A.C. Sarma and J. Sarma, for the Respondent

Judgement

1. The Petitioner impugns the notice conveyed in the Telegram dated 7.2.86 followed by Memo No. SMG. 49/85/Pt/i dated 11.2.86 stating that one Shri Tarun Chandra Bailing appealed to Government against settlement of Rajmal Cattle market with the Petitioner, and fixing the date of bearing of that appeal on 14.2.86 at 11 A.M. The said Rajmal Cattle market was settled with the Petitioner by the Sibsagar Mohkama Parishad against which said Tarun Chandra Bailing appealed and the appellate authority by order dated 4.2.86 dismissed that appeal, thus upholding the settlement in favour of the Petitioner. Thereafter the Respondent No. 3 Tarun Chandra Bailing filed the said appeal for review whereupon the impugned notice (Annexure A to the petition) was issued. The Petitioner in fact appeared before the appellate authority on 14.2.86 and objected to taking up (Sic).

(Sic) Page 107 missing

(Sic) final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so. Thus, finality of the judgment delivered by the Court will not be reconsidered except where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. Similarly in Col. Avtar Singh Sekhon Vs. Union of India (UOI)

and Others, it has been reiterated that a review is not a routine procedure and the earlier order cannot be reviewed unless the court is satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. It is true that in the provisions u/s 13 of the Panchayati Raj Act there is no express provision for review.

4. As the Petitioner has already appeared before the authority and only about six weeks of tenure are left, no useful purpose will be served by our interference at this stage. Even if a writ is issued, it is likely to be futile. Under similar circumstances we have rejected such petitions on the same ground. This petition is also disposed of accordingly. There will be no order as to costs.