

**(2011) 11 CHH CK 0006**  
**In the Chhattisgarh High Court**  
**Case No : Review Petition No. 37 of 2010**

Suresh Sai Bhagat

APPELLANT

Vs

The State of Chhattisgarh and Others

RESPONDENT

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**Date of Decision :** 25-11-2011

**Acts Referred:**

Civil Procedure Code, 1908 (CPC) — Order 47 Rule 1  
Constitution of India, 1950 — Article 226

**Citation :** (2012) 1 CGBCLJ 130

**Hon'ble Judges :** Satish K. Agnihotri, J

**Bench :** Division Bench

**Advocate :** Janak Ram Verma, for the Appellant; Arun Sao, Government Advocate for the State, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Satish K. Agnohotri

I.A. No. 1, this is an application for condonation of delay in filing the review petition. Sufficient cause has been shown. Delay is condoned.

1. By this petition, the petitioner seek review of the order dated 03.07.2008 passed by this Court in W.P. (S) No. 1203/2008 (Suresh Sai Bhagat v. State of Chhattisgarh & Others) whereby the writ petition filed by the petitioner challenging the legality and validity of the order dated 30.01.2008, was dismissed. Against the order dated 03.07.2008 passed by this Court, the petitioner preferred an appeal being W.A. No. 236/2008, which was dismissed as withdrawn on 16.12.2008 (Annexure P/IA) with liberty to file a review petition. The grounds for review of the order dated 03.07.2008, as raised by the petitioner, are that the order sought to be reviewed is contrary to the provisions of law and contrary to the documents fraudulently and mala fide concealed by the State/ respondents and the writ petition was decided without summoning the records. The Single Bench ought to have summoned all the records from the State/respondents. The petitioner has submitted medical certificates and documents before this Court.

The petitioner seeks opportunity to argue the matter afresh on the above stated grounds which have duly been considered by the Single Bench.

2. In case of a writ of mandamus, law is well settled that it is for the petitioner to submit all the documents and on mere filing a writ petition, no roving enquiry is permissible. In the case on hand, the petitioner has made a bald statement about concealment of documents, without specifying a particular document, which was necessary or relevant for adjudication of the dispute, and for want of specific document which the petitioner could not produce for specific reason, the court may not call upon the State to produce the said document. However, on a general statement that the State/respondents may be directed to produce all the documents, such direction cannot be issued at the instance of the party. Thus the ground of not calling for the records from the State/respondents, which has been raised in review petition, is unsustainable in law and deserves to be rejected.

3. The review petitioner has to pointed out ay manifest error on the record and has further not brought into the notice, any new facts record and has further not brought into the notice, any new facts which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principle 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.

4. Reliance of the petitioner on a decision of the Supreme Court in Dharam Deo Narayan Singh Vs. The State of Jharkhand and Another, is not applicable to the facts of the case, as in the case on hand, all the papers, documents produced before the Court was considered and thereafter, the order sought to the reviewed, was passed.

5. 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. 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 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 the above and for the reasons stated hereinabove, the review petition is dismissed.