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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 35 of 2026

Laxman Prasad S/o Shri Madho Diwaker Aged About 53 Years R/o Village Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. Setganga, Tahsil and District Mungeli Chhattisgarh.

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary Revenue Department Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Naya Raipur, Chhattisgarh

2 - Collector, Mungeli, District Mungeli Chhattisgarh

3 - Tehsildar, Mungeli, District Mungeli Chhattisgarh

4 - Smt. Suniti Kurre @ Sunti Bai W/o Mahendra Kurre Aged About 42 Years R/o Village - Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District Mungeli Chhattisgarh

5 - Arjun Kurre S/o Shri Lakhan Lal Kurre R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

6 - Same @ Jyoti Kurre D/o Shri Hinchha Kurre R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

7 - Mahesh Kumar S/o Shri Gofelal R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

8 - Yogendra Kumar S/o Shri Arjun Ratre R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

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9 - Premkumar Diwaker S/o Shri Mahesh R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

10 - Ramesh Kumar Anchal S/o Shri Jeewan Lal Anchal R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

11 - Kuldeep S/o Laxmi Prasad R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

12 - Gahsidas Diwaker S/o Shri Piladas Diwaker R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

13 - Narayan Diwaker S/o Shri Gayaram Diwaker R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

14 - Raj S/o Shri Madho R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

15 - Arjun Kurre S/o Kalyan Kurre R/o Village- Udka, Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, P.S. - Setganga, Tahsil And District - Mungeli Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Animesh Pathak, Advocate
For Respondents No.1 to 3/State	:	Mr. Sangharsh Pandey, Government Advocate
For Respondent No.4	:	Mr. Atul Kumar Kesharwani, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

16.03.2026

1. By this petition, the review petitioner seeks review of the order dated 19.12.2025 passed in WPS No.1663 of 2023, whereby this

Court had dismissed the writ petition by holding that the material produced by respondent No.4, including the voter list, is a primary public document, prepared in the discharge of statutory functions and carrying a presumption of correctness unless disproved by cogent evidence. The petitioner was unable to rebut the said presumption or produce any unimpeachable material to demonstrate his residence in Village Udka. In such circumstances, this Court found no infirmity in the reasoning adopted by the Board of Revenue and concluded that, considering residence within the same village is a mandatory criterion for appointment of a Kotwar, the order passed by the learned Board of Revenue did not suffer from any legal or factual error warranting interference under Article 226 of the Constitution of India. Consequently, no case for exercise of extraordinary writ jurisdiction was made out, and the writ petition was dismissed.

2. The facts of the case, as presented before this Hon'ble Court, are that the earlier Kotwar of village Udka, one Mahendra Kurre, resigned from his post following several complaints regarding his conduct, and it also came to light that he had illegally sold portions of the Kotwari land. Subsequently, one Raju Diwaker was appointed as a temporary Kotwar under Section 230 of the Chhattisgarh Land Revenue Code, 1959. Respondent No.4, Smt. Suniti Bai @ Sunti Bai, wife of the former Kotwar, challenged this temporary appointment through an appeal and subsequent revisions, which culminated in an order dated 30.10.2015 passed

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by the learned Board of Revenue directing that a regular Kotwar be appointed strictly in accordance with the rules.

3. Pursuant to this direction, an advertisement was issued inviting applications from eligible candidates, and thirteen candidates, including the petitioner, submitted their applications. The Tahsildar sought reports from the concerned Police Station and called for the Gram Panchayat's proposal regarding the conduct and suitability of all applicants. The Police Station, as well as the Secretary and Sarpanch of the Gram Panchayat, submitted their reports and forwarded a recommendation in favour of the petitioner. After considering these materials and complying with the procedure prescribed under the rules framed under Section 230 of the Code, the Tahsildar appointed the petitioner as Kotwar of village Udka by order dated 30.01.2016.

4. Respondent No.4, who was also an applicant and the wife of the ex-Kotwar, challenged this appointment before the SDO (Revenue) on the ground that she was entitled to preference under Rule 4(2) of the Kotwar Appointment Rules. The SDO, after examining the entire record, dismissed her appeal on 27.06.2016, holding that the petitioner was more eligible and meritorious. Her second appeal before the Commissioner, Bilaspur Division was also dismissed on 24.07.2018, affirming the findings of the Tahsildar and SDO. Thereafter, Respondent No.4 preferred a revision before the Board of Revenue, which allowed the revision by setting aside all previous orders and directed the Tahsildar to reconsider all applications afresh on the basis of a fresh proposal from the Gram Panchayat. This direction was issued solely on the erroneous assumption that two different proposals had been passed by the Gram Panchayat on the same day, despite there being only a single valid proposal passed in an adjourned meeting and forwarded by the Secretary and Up-Sarpanch. The Board of Revenue also failed to consider the mandatory legal bar that prevents the appointment of relatives of an ex-Kotwar who has resigned due to misconduct or negligence.

5. Aggrieved by the impugned order dated 15.02.2023, the petitioner filed the writ petition bearing WPS No.1663/2023, which was dismissed by the learned Single Judge vide order dated 19.12.2025.

6. Calling in question the impugned order dated 19.12.2025, the review petitioner has filed the present review petition.

7. Learned counsel for the review petitioner submits that the petitioner is a permanent resident of village Udka and satisfies the mandatory criterion for appointment to the post of Kotwar. At the time of his appointment, the petitioner’s ancestral land records in village Udka, along with a spot inspection report, Aadhar Card, Voter Identity Card, and primary school mark sheet, were verified by the appointing authority. These documents clearly demonstrate the petitioner’s residence in the concerned village. Copies of these documents are annexed as Annexures P/2, P/3, P/4, and P/5 respectively. He further submits that during a period when the petitioner was temporarily residing in the nearby village Parasakapa, District Mungeli, for livelihood purposes, he did not become a permanent resident there. Respondent No.4 relied on the petitioner's voter identity card showing his presence in Village Parasakapa. However, the petitioner had submitted Form 7 applications for deletion of his name from the electoral roll of Village Parasakapa on 15.10.2016 and 20.07.2017, copies of which are annexed as Annexures P/6 and P/7. The petitioner ensured that his name was validly and legally registered in the voter list of Village Udka.

8. Learned counsel submits that following the deletion of the petitioner's name from the voter list of Village Parasakapa, the petitioner's name is correctly recorded in the voter list of Village Udka, Gram Panchayat Tarwarpur, Tehsil Mungeli, District Mungeli. This is confirmed by the Special Intensive Revision report dated 06.01.2025 (Annexure P/8), which clearly establishes the petitioner's permanent residence in the concerned village. He also submits that the petitioner had duly complied with all the statutory and procedural requirements for appointment under Section 230 of the Chhattisgarh Land Revenue Code, 1959. The Tahsildar, SDO, and Commissioner had examined all applications and records and had rightly found the petitioner to be more eligible and meritorious than other candidates, including Respondent No.4.

The order of the learned Board of Revenue, which set aside all previous orders on the erroneous assumption of multiple Gram Panchayat proposals, did not consider the petitioner's verified residence and the mandatory legal bar against appointment of relatives of an ex-Kotwar who resigned due to misconduct.

9. Lastly, learned counsel submits that the above-mentioned facts and circumstances constitute important evidence that was not available or could not be produced during the pendency of the original writ petition. The petitioner's corrected voter records, verified ancestral land documents, and other proof of residence are crucial for the adjudication of the matter and directly impact the petitioner's eligibility. In light of this newly available evidence, it is respectfully submitted that the order dated 19.12.2025 in WPS No.1663/2023 warrants reconsideration by this Court.

10. On the other hand, learned counsel appearing for the State submits that the order of the learned Board of Revenue, as upheld by this Hon'ble Court in WPS No.1663/2023, was passed after due consideration of all relevant materials. The State submits that the eligibility for the post of Kotwar is dependent on residence within the concerned village, and the petitioner has not been able to rebut the presumption of correctness attached to the records maintained by the Revenue authorities, including the voter list of village Udka. It is further submitted by the State that the decision of the Board of Revenue was based on an erroneous assumption that two separate proposals had been passed by the Gram Panchayat regarding the petitioner's appointment. The Board, in the exercise of its statutory powers, directed the Tahsildar to reconsider all applications and verify the proposals afresh. The State submits that such directions were within the legal mandate of the Board and cannot be interfered with lightly.

11. Learned counsel for the State further submits that the petitioner's temporary stay in the nearby village Parasakapa does not conclusively establish permanent residence there, but the documents produced in support of residence in village Udka, including land records, school records, and voter identity documents, must still be examined in accordance with the prescribed procedure. The State submits that any review must take into account that the original writ petition was dismissed by this Hon'ble Court after full consideration of these factors. As such, there is no sufficient ground for review, and the order dated 19.12.2025 in WPS No.1663/2023 ought to be maintained. The State further prays that any relief sought by the petitioner be considered strictly in accordance with law and the established rules for the appointment of a Kotwar.

12. Learned counsel for respondent No.4 submits that he adopts the submissions made by the State and further submits that the petitioner was not a permanent resident of village Udka at the relevant time and therefore did not satisfy the mandatory eligibility criterion for appointment as Kotwar. It is submitted that the documents relied upon by the petitioner, including the voter list and other records, were either not available or did not conclusively establish residence during the original proceedings, and the subsequent deletion of the petitioner's name from the voter list of Village Parasakapa cannot retrospectively validate his claim. Learned counsel further submits that the order of the learned Board of Revenue, as upheld by this Court, was passed in accordance with law and proper verification of records, and no grounds exist to interfere with or review the same.

13. I have heard learned counsel for the parties, gone through the pleadings and documents annexed with the review petition.

14. Upon careful consideration of the review petition, the documents filed therewith, and the submissions of learned counsel for the review petitioner, the State, and respondent No.4, this Court finds that the review petitioner has not been able to demonstrate any error apparent on the face of the record or bring forth any new evidence of such a nature that could justify interference with the order dated 19.12.2025 passed in WPS No.1663/2023. The review petition primarily seeks re-evaluation of factual findings and conclusions already recorded by this Court, which is impermissible in review proceedings.

15. The review petitioner's principal grievance relates to his alleged permanent residence in village Udka and his eligibility for appointment to the post of Kotwar. It is, however, evident from the record that the original writ petition was dismissed after thorough consideration of all relevant material, including land records, voter lists, and other official documents maintained by the competent authorities. The presumption of correctness attached to such primary public documents, as emphasized in the order dated 19.12.2025, has not been effectively rebutted by the review petitioner through cogent and unimpeachable evidence. Mere submissions or subsequent actions regarding voter lists or temporary residence in a nearby village cannot dislodge this presumption.

16. This Court further observes that the arguments raised by the petitioner regarding temporary residence in village Parasakapa, including subsequent submissions concerning deletion of his name from the electoral roll of that village, do not constitute sufficient grounds for review. These matters were either already available or could have been produced during the pendency of the original writ petition. The so-called “new evidence” does not materially alter the factual matrix considered by this Court and does not bring to light any error apparent on the face of the record.

17. The submissions advanced on behalf of the State and respondent No.4, including verification of documents, the procedure followed by the Tahsildar, SDO (Revenue), and Commissioner, as well as adherence to the statutory framework under Section 230 of the

Chhattisgarh Land Revenue Code, 1959, are persuasive. The Board of Revenue, in its order dated 15.02.2023, acted within the bounds of its statutory jurisdiction and directed the Tahsildar to reassess proposals in accordance with the rules. The review petitioner has not been able to point out any jurisdictional error or illegality in this regard that would justify interference under Article 226 of the Constitution of India.

18. It is well settled that the scope of review jurisdiction under Order XLVII of the Code of Civil Procedure, 1908, is extremely limited. Review is permissible only to correct a manifest error or an error apparent on the face of the record. Re-appreciation or re-evaluation of evidence, reassessment of facts, or substitution of one conclusion for another amounts to appellate jurisdiction, which is impermissible in review proceedings. (***Devaraju Pillai v. Sellayya Pillai*[1]*, Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)*[2]*, Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others*[3]*, Lily Thomas etc. v. Union of India and others*[4]*, Akhilesh Yavad v. Vishwanath Chaturvedi and others*[5] *and Sasi (D) through LRS. v. Aravindakshan Nair and others*[6]*.***)

19. The grounds raised in the present review petition, including submissions relating to the petitioner's alleged residence in village

1 (1987) 1 SCC 61
2 (1995) 1 SCC 170
3 (1996) 10 SCC 174
4 AIR 2000 SC 1650
5 (2013) 2 SCC 1
6 (2017) 4 SCC 692

Udka, the voter records, and the purported errors committed by the Board of Revenue, essentially amount to an attempt to re-appreciate and re-assess the evidence that has already been considered and evaluated by this Court and by the authorities below. It is settled law that review jurisdiction under Order XLVII of the Code of Civil Procedure, 1908, is narrowly confined to correcting errors apparent on the face of the record, and does not extend to the re-examination of facts, re-evaluation of evidence, or substitution of one conclusion for another. The review petitioner's submissions, which seek to challenge the correctness of findings on matters of fact specifically the petitioner's residence and the validity of the Gram Panchayat proposals, fall squarely outside the permissible scope of review.

20. Even if the arguments advanced in the review petition are examined on merits, no error that is apparent on the face of the record is discernible in the impugned order dated 19.12.2025. The original order was passed after careful consideration of all relevant documents, including land records, voter lists, and other official records, as well as the reports and recommendations submitted by the competent authorities. The presumption of correctness attached to such primary public documents remains intact, and the review petitioner has not brought forth any evidence of sufficient weight or authenticity to rebut the same. The alleged "new evidence" regarding temporary residence and subsequent deletion of the petitioner's name from the voter list of another village does not materially alter the factual matrix that had been duly considered in the original proceedings.

21. In view of the foregoing, this Court is satisfied that the review petitioner has failed to demonstrate any jurisdictional error, illegality, or manifest perversity in the impugned order. There is, accordingly, no ground to interfere with the order dated 19.12.2025 passed in WPS No.1663/2023. The review petition is, therefore, **dismissed**, being wholly devoid of merit.

22. No order as to costs is made, as the parties are left to bear their own expenses.

Sd/-

(Amitendra Kishore Prasad)
Judge

Yogesh