



2025:CGHC:39806-DB



2025:CGHC:39806-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****REVP No. 122 of 2025**

1 - State of Chhattisgarh Through Collector, Raipur as an Officer For Land Acquisition.

2 - Sub Divisional Officer (Revenue) Raipur (C.G.).

... Petitioner(s)**versus**

1 - Shri Ramchandra Jee Swami Jaitu Sao Math, a Public Trust, Purani Basti, Raipur, Tehsil and District Raipur (C.G.), Through its Secretary Mr. Mahendra Kumar Agrawal.

2 - The Executive Officer C.G. Housing Board, Division No.- 2, Raipur, Tehsil and District Raipur (C.G.)

... Respondent(s)

For Petitioner(s)/State	:	Mr. Ashish Shukla, Additional Advocate General
For Respondent No.1	:	Dr. Shiv Kumar Shrivastava along with Mr. Omkar Nath Shrivstava, Advocate
For Respondent No. 2	:	Mr. Arvind Shrivastava Advocate appears on behalf of Mr. Anumeh Shrivastava, Advocate



Hon'ble Smt. Justice Rajani Dubey
Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

Per Rajani Dubey, J.

08.08.2025

1. The review petitioners/State seek review of the judgment dated 20.11.2024 passed in FAM No. 02/2021 contending that while delivering the said judgment, this Court recorded a finding that the notification was published in the gazette notification on 23.09.2011 and award under Section 11 of the Land Acquisition Act has been published on 22.05.2112 & it is an admitted position that the payment was made on 03.07.2015, is contrary to the records for the reason that no payment of the amount awarded in favour of the non applicant No. 1 was ever paid to him whereas the said amount has been ordered by the Collector, vide letter dated 03/07/2015 till the final decision of the litigation before 4th Additional District Judge, Raipur as the matter is subjudice before the learned 4th Additional District Judge, Raipur and to demonstrate this fact, copy of the letter dated 03/07/2015 is being filed herewith as Annexure A/2.

He further submits that pursuant to the direction of the Collector dated 03/07/2015, the amount in question was deposited with the Bank of Maharashtra, Raipur Branch through the cheque No. 800336 dated 06/07/2015 issued by the SDO, Revenue and Land Acquisition Officer, Raipur and a communication in this regard was being written to the Branch Manager, Bank of Maharashtra Raipur on 08/07/2015 (Annexure A/3). The amount of Rs. 11,05,25,5368/- has never ever been disbursed in the account of the non applicant and this fact is



fortified by the order dated 14/07/2016 (Annexure A/4) issued by the Collector District Raipur by which permission to withdraw the interest accrued on the aforesaid amount i.e. Rs. 31,09,632/- was granted to the non applicant with certain conditions. The amount of Rs. 11,05,25,5368/- has never ever been disbursed in the account of the non applicant and this fact is further fortified by the letter dated 19/09/2016 (Annexure A/5) issued by the Collector District Raipur in which it has categorically been directed that the amount so deposited with the Bank of Maharashtra ie. Rs. 11,05,25,5368/- shall be deposited in such another Bank which pays more interest on the said amount. Thus, it would be crystal clear that the principal amount has never been ordered to be released in favour of the non applicant. For all these reasons, the judgment dated 20.11.2024 deserves to be recalled/reviewed in the interest of justice.

2. On the other hand, learned counsel appearing for the respondents have supported the judgment sought to be reviewed.
3. We have gone through the review petition and the annexed documents.
4. On going through the judgment dated 20.11.2024, it is manifest that this Court after hearing learned counsel appearing for both the parties and after appreciating the facts situation of the case, and after providing ample opportunity of hearing to both the parties has passed the judgment.
5. There is no other ground pointed out by the review petitioners 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 review petitioners. 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 review petitioners have not produced any ground for review.

6. It is well settled principle of law that under the garb of review petition, the review petitioners 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: Meera Bhanjan v. Smt. Nirmala Kumar Chowdhary**, reported in **AIR 1995 SC 455**, **Lily Thomas etc. v. Union of India and others**, reported in **AIR 2000 SC 1650** and **Sasi (D) through LRS. v. Aravindakshan Nair and others**, reported in **(2017) 4 SCC 692**.
7. As a sequel, the review petition, *sans substratum* is liable to be and is hereby dismissed.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Sanjay Kumar Jaiswal)
Judge